

# Proposed Population Management Solutions March 2014

*Los Angeles County*  
**Sheriff's Department**



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# INTRODUCTION

For more than 40 years, the Los Angeles County Sheriff's Department has carried out its custodial duties while facing capacity challenges due to resource limitations and federal court orders while promoting public safety. Since 1972, numerous class action lawsuits filed against the department regarding contesting jail conditions with claims of over-crowding, inadequate medical and mental health care, non-compliance with the Americans with Disabilities Act (ADA), insufficient attention to inmate safety and allegations of excessive force. These lawsuits have cost the department and the County of Los Angeles hundreds of millions of dollars. The Sheriff's Department continually aims to address these issues while managing a growing inmate population with limited space and resources. This report discusses these challenges and various population management strategies that have been implemented to address them. The report also presents additional strategies and solutions that can be implemented relatively quickly with funding and authority.

## Historical Capacity Challenges

A number of factors have affected the department's efforts to maintain custody facilities at or below their desirable capacities while complying with the regulatory mandates dictated by the California Code of Regulations, Title 15. The cost of building capacity and the cost to operate capacities have challenged Los Angeles County for decades and have been repeatedly impacted by economic downturns over the years. Despite the cost, conditions of confinement in correctional facilities must meet constitutional mandates which are monitored in California by the Board of State and Community Corrections and the Federal Courts.

## Rutherford Decision

In 1986, in response to an inmate class action lawsuit concerning conditions of confinement, Federal Magistrate William P. Gray issued an order limiting the capacity of the Los Angeles County jails. This federal court order is referred to as the Rutherford Decision. In his decision, Judge Gray said "The Sheriff shall manage the jail system within the maximum population limits by discharging or citing inmates to court upon a written promise to appear according to priorities the Sheriff shall establish." Since the ruling, the LASD has relied heavily on early release practice to comply with capacity limits, requiring designated sentenced inmates serve reduced sentences based on a percentage of time served. The Rutherford Decision set the jail capacity limit at 15,200.

## BSCC Rated Capacity

Establishing jail capacity is not an absolute science and is ultimately set by federal courts if there is a dispute in the number of inmates a jail can appropriately house. The overall capacity of a correctional facility is generally based on access to services for the population, including:

- Medical Care
- Mental Health Care
- Dental Services
- Outdoor Recreational Time
- Number of Inmates per Toilet, Showers and Sink

- Dayroom and Out of Cell Time
- Unencumbered Square Feet per Inmate in Cells, Dayrooms, Dorms and Recreation Areas
- Access to Visiting
- Laundry Services
- Access to Courts
- Access to Grievance Procedures.

In California, all of these services and mandates are outlined in the California Code of Regulations, Title 15 and Title 24. The Board of State and Community Corrections (BSCC) maintains regulatory responsibility and authority to audit county jails for compliance with Title 15/24 mandates. The BSCC also recommends capacity limits for existing jails based on those factors.

The following table shows a comparison of the BSCC rated capacities for each Los Angeles County facility and the actual population housed in them on February 21, 2014.

	CRDF	MCJ	Mira Loma	NCCF	PDC East	PDC North	PDC South	TT1	TT2	Total
<b>BSCC Rated Capacity</b>	1,558	5,108	1,040	2,208	926	768	846	1,242	1,002	<b>13,658*</b>
<b>Population as of 2/21/2014</b>	2,040	4,848	0	3,967	153	1,794	1,506	1,873	2,129	<b>18,310^</b>
<b>Above BSCC Rated Capacity</b>	<b>482</b>	<b>(-260)</b>	<b>N/A</b>	<b>1,759</b>	<b>(-773)</b>	<b>1,026</b>	<b>660</b>	<b>631</b>	<b>1,127</b>	<b>4,652</b>

\*Total BSCC Capacity does not include Mira Loma as the facility is closed

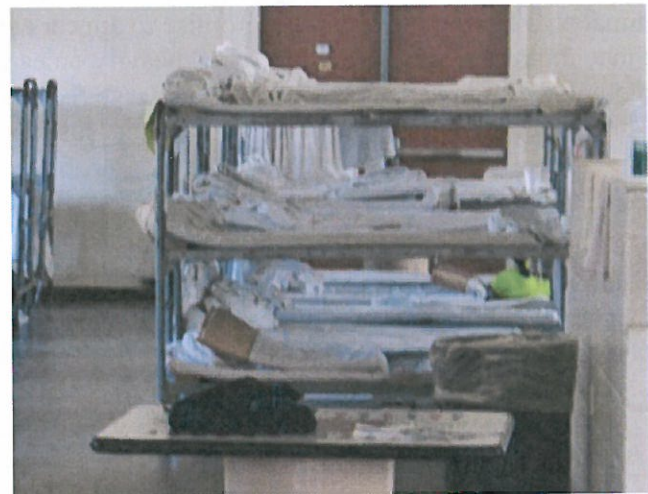
^Population does not including inmates in fire camps, alternative custody, hospitals, station jails, etc

As reflected in the table, custody demands regularly exceed the BSCC's rated capacity at the facilities in use. To house the population, the LASD places more bunks than recommended in housing areas and utilizes non-traditional beds, such as bunks placed in areas not designed for housing (i.e. day room floors) and triple bunks instead of double bunks.

In total, there are more than 2,800 non-traditional beds currently utilized in the County jail system.

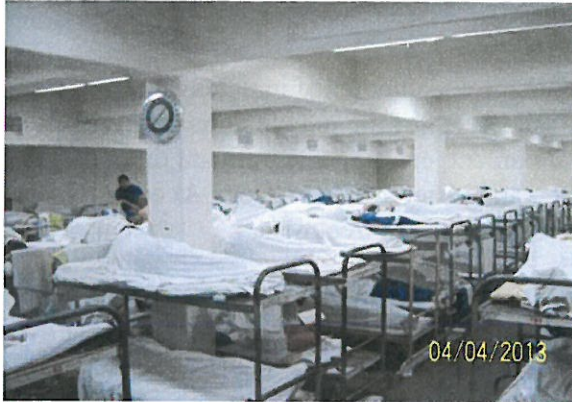


Non-Traditional Bunks - Dayroom Floor



Non Traditional Bunk - Triple Bunk





Men's Central Jail, Dorm 5600 (BSCC Capacity is 64, LASD Capacity is 100)

## Public Safety Realignment

The challenges in managing the jail population were exacerbated in October 2011, following the implementation of Public Safety Realignment. Codified in Assembly Bill 109 (Attachment A), realignment transferred the custody responsibility of specified felony offenders and parole violators from the California Department of Corrections and Rehabilitation (CDCR) to county jails.

AB 109 immediately impacted county jail populations throughout the state. The impact in Los Angeles County was particularly acute: approximately one third of all realigned felony offenders serving prison time in county jails are being housed in Los Angeles County and affecting the average daily population significantly.

Overall, approximately 7,000 inmates in Los Angeles County jails are individuals who prior to realignment would have served their custody time in state prison, nearly 6,200 sentenced offenders and 800 parole violators.

However, it is not simply the volume of realigned inmates impacting the jail system; the implementation of the law also fundamentally changed jail inmate demographics. Jails were designed to house short term populations pending trial or low risk offenders sentenced to a year or less in confinement who could live in dorm and low security housing environments. Due to AB 109, however, the jail system now houses thousands of inmates who are sentenced to an average of 2.6 years. Though designed not to house inmates with long term needs, county jail must now provide more complex health care, increased rehabilitative and re-entry programming, increased management expenditures to supervise more

## Impact of Realignment on County Jail Populations

By Magnus Lofstrom and Steven Raphael

PPIC

*June 2013*

"Realignment thus affords counties considerable discretion in exercising their new responsibilities. They are free to rely heavily on the use of local jails, effectively transferring their realigned populations from prisons to local jails. But they are also free to choose from a wide variety of less severe alternatives that rely on community corrections through practices such as electronic monitoring, house arrest, split-sentencing, and short "flash incarcerations" for those who violate the terms of their conditional release.

The options that counties choose certainly depend in the short term on local jail capacity and, in many instances, court-ordered population caps. In the longer term, however, several factors are likely to influence how counties respond to their new responsibilities, including the particular characteristics of the realigned offender population and perhaps the ideological predisposition of local criminal justice officials and the county residents that they serve."



sophisticated felons and inmates, and increased out of cell and leisure time activities to assist with the stressors of long term confinement.

With more inmates being diverted to County jail by realignment, the number of inmates suffering from mental illness has also increased. In 2009, approximately 10 percent of the inmate population required mental health services. In 2013, this figure increased to 17 percent, creating a significant drain on jail mental health services and increasing demand for evaluation and programming space. At any given time, roughly 1,000 AB 109 inmates require some level of mental health treatment.

The inmate population across the country is getting older and has added significant challenges to the corrections community. It is anticipated that the LASD will continue to experience an aging inmate population because of realignment, which will not only impact medical services, but scarce healthcare beds, as well. Approximately 25% of the current LASD inmate population is over 45 years old, requiring a revised approach to correctional health care management and maximizing funding opportunities, such as those presented with the Affordable Care Act (ACA).

## Early Release Practices

Because the justice system's demands on the jail exceed available capacity, the LASD is not able to book into jail all individuals who are remanded to custody by the court pending trial. Currently, defendants remanded to custody following arraignment who have bail set at \$25,000 or less are immediately cited out by LASD.

For more than a decade, LASD has relied heavily on early release practices to comply with the Rutherford decision. Utilizing the "Percentage of Time Served" release system, LASD essentially release inmates before the completion of their court ordered sentence without supervision or mandates. While early release is currently applied to Traditional County Sentenced (non-AB 109) inmates, the program provides significant population relief for the LASD jail system. It is estimated that if all TCS inmates were required to serve their entire court mandated sentence in custody, it would increase the capacity needs in the jail in excess of 4,000 inmates.

The following table shows the estimated population impacts that would occur if policy decisions were made to increase the Percentage Time Served for the various offenders:

	Current	20%	30%	40%	50%	60%	70%	80%	90%	100%
<b>Females (Non-M7)</b>	10%	84	168	252	336	419	503	587	671	<b>755</b>
<b>Males (Non-M7)</b>	20%	N/A	366	732	1097	1463	1829	2195	2560	<b>2926</b>
<b>M7 Males and Females</b>	40%	N/A	N/A	N/A	116	232	348	464	580	696

*Estimates are based on July 2013 sentencing and other recent historical data.  
Estimates do not account for possible future trends in crime rates or convictions*



Based on the above estimates, if a request was made to increase the time served by the current Traditional County Sentenced inmates by just 10%, an estimated increase of approximately 566 beds would be necessary.

Early release artificially maintains the jail population at the available capacity, but it currently does not prioritize the release of lower risk inmates among the Traditional County Sentenced population. Releases are based on an across the board percentage of time. Ultimately, LASD would like to improve population management practices and promote public safety by utilizing risk assessment tools to identify low risk offenders for release while retaining the higher risk offenders in custody.

In the context of this reports discussion, it also needs to be recognized that the implementation of early release practices not only presents public safety challenges, it also presents challenges for efforts to engage offenders in treatment programs. County justice partners embrace the appropriate use of treatment programs in lieu of incarceration, and as discussed in this document, continue to explore options for maximizing their use. However, offenders appropriate for treatment programming options often refuse participation knowing that choosing custody will actually result in minimal time served due to jail capacity limitations. The interplay between early release programs implemented due to capacity limitations and the ability to engage individuals in treatment is continually in motion.

## Potential Solutions

The purpose of this report is to provide justice partners and the Board of Supervisors a variety of options for addressing jail capacity challenges that can be implemented in the short term, as the County develops and evaluates longer term capital project solutions. The concepts presented in this report target low risk inmates for alternative custody programs, maintain bed capacity for higher risk inmates, and increase access to rehabilitative and reentry services through a variety of pilot initiatives.

Targeting the criminogenic and reentry needs of the inmates is a cornerstone of each approach, as custody without rehabilitation efforts does little to stem recidivism and its accompanying costs and public safety ramifications.

It is important to emphasize, however, that the concepts presented in this report do not substitute for jail construction plans. Rather, these concepts compliment and support the jail construction plans currently being explored and presented by Vanir. Solutions to issues such as crowding, conditions of confinement, jail security, and the percentage time served policy must incorporate both capital project development and strategies such as those incorporated in this report.

As such, the concepts discussed in this report are presented in harmony with the potential repurposing of the Mira Loma Detention Facility to a fully programming rehabilitative facility for female inmates and the construction of a new Consolidated Correctional Treatment Facility targeting inmate mental health, medical, dental and substance abuse treatment needs.

This report is divided into three sections:

**Section One** provides an overview of strategies and efficiencies the LASD and County justice partners currently employ to help manage the jail population, such as the Early Disposition Program, Pretrial Release Program and Drug Courts.

**Section Two** provides an overview of recommended population solutions that can be implemented in an expeditious manner assuming resources are allocated and authorization is approved where necessary. Because this group of projects can be implemented rather quickly, this group of proposals is referred to as “Phase I Population Solutions” and includes expansion of the Education Based Incarceration program; utilization of contract bed capacity; and alternative custody solutions.

**Section Three** describes Phase II Population Solutions that require additional time to implement due to the complexity of the programs and/or need for further collaboration with various justice partners. These solutions include the use of municipal station jails for flash incarcerations; expansion of split sentencing and the utilization of a risk assessment tool for early release decisions as opposed to solely using percentage time serve policy.

**Summary and Recommendations** summarizes the proposals and makes recommendations based on a variety of factors, including cost, rehabilitative opportunity and overall population impact. This document serves as an introductory discussion on what should be an on-going and dynamic evaluation of how the County is utilizing valuable and limited bed capacity. Populations are not static and there is no way to accurately predict the future. Additionally, the County must continue to discuss and evaluate the crowding levels and conditions of confinement as well as seek ways to ensure greater personal accountability for the Traditional County Sentenced inmates, some of whom are serving only a small fraction of their sentences.

## **Stipulation**

This document and the proposed concepts have been developed after discussion with all County justice partners. LASD’s presentation of these concepts does not imply unanimous support for any or all of these concepts but rather a collective willingness to evaluate and pilot a variety of solutions to address jail overcrowding issues. Each concept is presented in a brief overview of the proposed solution, cost model, target population and legislative or regulatory authority. These concepts will ultimately be presented in a more abbreviated fashion to the Board of Supervisors in concert with the jail construction plans to present more comprehensive solutions to a very challenging public safety issue for Los Angeles County.



## SECTION ONE

**Section One** provides an overview of strategies and efficiencies that the LASD and other County justice partners currently utilize to manage the jail population and maximize capacity within the jail.

## Managing the Population

**Cite and Release Practices** – According to LASD statistical data from 2012, there were approximately 390,600 arrests in Los Angeles County. Of those arrests, only 142,400 resulted in bookings into LASD jails. Approximately 63 percent of arrestees were never booked into the County Jail System. These statistics reflect the system's efforts on the front end to limit the use of custody, including cite and release policies, where local law enforcement and LASD cite individuals to court rather than incarcerating them. Other programs discussed below also contribute to the 63% rate of non-jail bookings.



*Source: Custody Information Center Arrest Count Inquiry.*

**Own Recognizances Program** – Probation's Pretrial Service Division operates the Own Recognizance Program to assess in-custody felony offenders for pretrial release suitability. PSD provides risk assessment reports to the Court to help bench officers determine whether a defendant is suitable for release. To generate such a report, Pretrial Services:

- Conducts an interview with the defendants
- Checks the defendant's criminal background
- Verifies the defendant's information with provided references
- Conducts a risk assessment to determine the defendant's release suitability
- Contacts the arresting law enforcement agency for additional comments

This information is supplied to the court in a written report that includes an overall evaluation and recommendation regarding whether or not the defendant could be released from jail on his or her promise to appear for future court appearances. This report reflects additional opportunity to manage low risk pre-trial inmates outside of the jail environment. Options for enhancing this pre-trial assessment process are discussed in Section Two.

**Bail Deviation** – In accordance with California Penal Code 1269c, Probation's Bail Deviation Program is a free service that is available to individuals in custody pending felony or misdemeanor charges. Pretrial Services employees:

- Conducts telephonic interviews with the inmates
- Checks the inmate's criminal background
- Verifies the inmate's information with provided references



- Conducts an assessment to determine the inmate's release suitability
- Contact's the arresting law enforcement agency for additional comments

The gathered information is provided to the on-duty bail commissioner, helping him or her in making a decision regarding the inmate's custody status. The bail commissioner may release the inmate on his or her promise to make future court appearances (without having to pay money for their release from jail) or reduce the inmate's bail amount, making it easier for them to get out of jail at a lower cost.

**Bail Policies** – The Superior Court establishes the bail schedule for individuals facing felony or misdemeanor charges. Bail amounts are computed based on current charges and prior convictions. Due to capacity challenges, LASD will not normally accept inmates for booking into one of the main jails if the reason for placement is simply an outstanding warrant and the warrant amount is less than \$25,000. Additionally, LASD utilizes low bail amounts at times to determine who should be retained or released when capacity is limited.

**Misdemeanor Policy** – The Los Angeles County jail does not generally retain inmates on misdemeanor charges. As a snapshot example, LASD reviewed the inmate population on February 26, 2014, and determined that 618 (3.2%) of the more than 19,200 inmates were being retained on a misdemeanor charge or conviction. The reason for retention of misdemeanants includes: a hold on the inmate from another agency (Federal, State, or County) or a specified arrest charge that prohibits release on citation, bail/bond, or own recognizance.<sup>1</sup> Some of the arrest charges prohibiting the misdemeanant's release from jail include assaults (240 PC), domestic violence (273.5), violation of a restraining order (273.6 PC), and stalking (646.9 PC).

	Prohibited Per PC	Hold	Total
Presentenced	83	82	165
Sentenced	164	289	453
Total	247	371	618

Even with this low custody rate for misdemeanants, LASD proposes additional strategies to manage the low-risk misdemeanor inmates outside of the jail environment via alternative custody options. Those options will be discussed in Section Two.

**Early Disposition Program** – The Early Disposition Program (EDP) is a collaborative program implemented by the Court, District Attorney, Public Defender, Alternate Public Defender, and Probation Department. The program is utilized in various forms throughout the County and offers an opportunity to resolve criminal cases at an early stage in the judicial process.

EDP:

- Reduces the jail population by expediting the Court process and reducing pretrial detention time
- Offers prompt justice to victims

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<sup>1</sup> Refer to Penal Code Sections: 853.6, 1270.1, 1318.1 and 1319.5

- Saves critical Court, prosecution, defense, and law enforcement resources by avoiding preliminary hearings and trials
- Reduces Court calendars

In August 2012, the Court's Central District piloted an EDP model in which settlement hearings were held two days after arraignment instead of five days. Probation Department resources were reduced as abbreviated reports were prepared for the pilot program. The pilot was successful and the two-day model has now been adopted as the standard process in the Central District. Information obtained from the Probation Department, in 2013, 20,478 EDP assessments was completed. Potential expansion of this program in other districts will be discussed in Section Three.

The following reflects the release policies of the Traditional County Sentenced (TCS) inmates:

- The majority of those who are sentenced by the court to less than 90 days, with no time served are immediately released from custody as soon as they can be processed
- The majority of female TCS inmates, who are sentenced to more than 90 days, will serve 10% of their sentence<sup>2</sup>
- The majority of Male TCS inmates, who are sentenced to more than 90 days left to serve, will serve 20% of their sentence
- A percentage of TCS male and female inmates with designated charges that are considered serious or violent in nature will serve 40% of their sentence. The LASD generally refers to these as "M7 charges" (Attachment B)
- A small group of TCS male and female inmates who are gang members returning to a community with a gang injunction will serve 40% of their sentence. Those gang injunctions currently affect 4 inmates

**Court Linkage / Mental Health Diversion** – The Court Liaison Program (CLP) is a collaboration between the Los Angeles County Department of Mental Health (DMH) and the Los Angeles County Superior Court. This recovery based program serves adults with a mental illness or co-occurring mental health and substance abuse disorder who are involved with the criminal justice system. The objectives of the program are to increase coordination and collaboration between the criminal justice and mental health systems, improve access to mental health services and supports, and enhance continuity of care. The program staff coordinates and integrates services between the Courts, Jail Mental Health and community based Service Area Navigators, with particular focus on balancing the needs of individuals and the expectations of the judicial system.

During FY 2012/2013, 990 inmates were diverted to services rather than remaining in jail. With the potential expansion of services under the Affordable Care Act, additional funding associated with Senate Bill 82, and willingness of non-profit and governmental agencies to provide grant beds, the opportunity exists to expand this program and other mental health diversion programs.

**Specialized Courts** – Currently the Criminal Courts have limited drug courts, Veteran's courts and mental health courts in an effort to provide more intensive judicial oversight over this complex population. On any given day in Los Angeles County, approximately 600 individuals are in drug court or other specialty court programs (e.g. Second Chance, Women's Reentry Court(WRC), Co-Occurring

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<sup>2</sup> Percentage Time Release is factored in after all other earned credits are factored in, such as day-for-day credit earning.



Disorders Court (CODC), Veteran's Court, Sentenced Offender Drug Court (SODC)). Due to the effect of AB 109 on reducing the number of eligible offenders to the WRC and CODC, allocation of the use of AB 109 treatment funds for programs could prevent the increase of offenders sentenced to local custody instead of the existing alternative sentencing programs. The District Attorney's Office, the Public Defender's Office and the Alternate Public Defender's Office are committed to supporting the allocation of AB 109 treatment funding to sustain these programs as well as to expanding these programs in a manner that is amenable to the other involved justice partners. Due to on-going economic challenges in the criminal courts, there is limited ability to expand from the current capacity but the courts are willing to continue to explore opportunities.

**Use of Community Based Alternatives to Custody (CBAC)** – LASD utilizes three Community Based Alternatives to Custody programs: Electronic Monitoring, Work Release, and the Weekend Commitment Program. The LASD determines eligibility for Electronic Monitoring and Work Release, while eligibility for the Weekend Commitment Program is determined by the Court.

Placing eligible low risk offenders into an electronic monitoring program and enrolling them into work release or substance abuse programs reduces the inmate population while ensuring monitoring of the inmates.

In 2013, approximately 3,050 inmates were placed in the following programs:

- Work Release (2,178)
- Weekend Commitment Program (807)
- Drug Treatment and Veteran's Programs (63)

A very small number of inmates currently participate in the Electronic Monitoring Program (EMP) due to the limited authority the Sheriff maintains in who can be placed in alternative custody programs. As of January 2014, 39 male and 6 female inmates respectively were on EMP. It is anticipated that with a validated risk assessment tool, increased funding for community based programs and enhanced authority the use of EMP could be increased and widely used for both pretrial and sentenced offenders, retaining the jails for the most violent inmates.

**Compassionate Release** – The Sheriff has statutory authority (26605.5 and 26605.6 Government Code) to utilize compassionate release and transfer inmates to a medical facility or residential care facility if they have a terminal health condition and they do not pose a danger to others. An inmate may qualify for compassionate release only after an examining physician not associated with the County determines that the individual is incapable of causing harm to others. The medical staff monitors the inmates receiving treatment at all of the jail facilities. Those needing extensive care or diagnostic testing are transferred to Los Angeles County Medical Center (LCMC). The terminal inmates are identified to begin the compassionate release process. Once LASD identifies an inmate, a letter is provided to the Superior Court providing detailed information on the inmate so the District Attorney's Office can make a recommendation and determination to prosecute.

**Use of Station Jail Trustees** – Currently AB 109 sentenced inmates can request to work as a station jail trustee, rather than reside in one of the county jails. Station jails are small facilities (usually less than 20 inmates) that house pre-arraignment suspects pending their first court hearing. As trustees, low risk inmates are given increased responsibility to maintain the overall cleanliness of the jails and adjacent Sheriff Stations. In 2013, LASD expanded the Education Based Incarceration program to the

station jail trustees so that they can benefit from both the work assignment and rehabilitative programming. As of January 31, 2014, there were 149 AB 109 inmates housed in one of 21 Station Jails.

**Felony Probation** – Felony probation is the most utilized alternative to custody sentence. The overwhelming majority of felony convictions in Los Angeles County in 2013, resulted in the offender being placed on felony probation as opposed to a custody sentence. According to the Los Angeles County District Attorney’s Office, 60 percent of felony convictions since the implementation of AB 109 resulted in felony probation sentences rather than incarceration.

**Direct Transport to Drug Treatment** – The Superior Court and the Sheriff’s Department have a current pilot program in the Central District where LASD directly transports an inmate from custody to a supervised drug treatment program at the request of the bench. In 2013, 3,100 inmates were transported to treatment under this program. Expansion of this program will be discussed in Section Three.

**Percentage Release Policy** – The policy of Percentage Time Release impacts Traditional County Sentenced (TCS) inmate’s time to serve. This population comprises less than 10% of the current inmate population. The policy was discussed at length in the Introduction. Refer to page 14.

## **Inmate Programming and Recidivism Reduction**

Targeted rehabilitative programming has been demonstrated to lower recidivism rates, reduce reliance on custodial beds, and help prevent future crime victimization in our communities. In 2013, roughly 35 to 40 percent of the LASD inmate populations were engaged in education and rehabilitative programming. It is hoped that in 2014, that percentage will expand and LASD will continue to seek strategic partnerships to improve reentry outcomes, target inmates based on risk and needs and be transparent in outcomes from the various programs through validated research.

Such programs are a key to the success of inmates returning to their communities and are of particular interest to jail inmates. According to a February 2013 Vera Institute of Justice report, requests for services rated higher than all other categories in a survey among inmates. Employment (73 percent) and housing (34 percent) were the top priorities identified.

Survey participants expressed a desire to receive job training and skills in such areas as: electrical engineering, culinary arts, auto mechanics, and bus driving. The EBI Bureau provides life skills, vocational and technical training, behavior modification, and a host of other programs at all facilities,

### **The County Jail System**

By Special Council Merrick J. Bobb & Staff

The Los Angeles County Sheriff’s Department 7<sup>th</sup>  
Semiannual Report  
*April 1997*

In short, the answer is to do a competent and complete assessment of all incoming inmates and move greater numbers of sentences inmates into community-based, properly monitored custody alternatives, if possible – be it electronic monitoring, work release, work furlough, or weekender programs. Similarly, based on a complete risk assessment, the Sheriff’s Department should release greater numbers of pre-sentenced inmates out on their own recognizance into monitored programs, if prudent.



but is interested in expanding and improving those services as resources allow. The Bureau will continue to analyze evidence based programs and outcomes to ensure LASD is focused on targeting inmates' needs.

To that end, the County is working on a contract to hire an expert to assist in evaluating recidivism of the AB 109 population. Additionally, LASD conducted a small review of AB 109 inmates who were enrolled in programming before getting released. While the information reflected below represents too small of a sample to be statistically valid, it is promising to show that placing inmates in programming does appear to reduce recidivism. The information also further informs LASD that the mentally ill population has the highest risk and highest need for reentry services.

#### **Recidivism Study of AB109 and MERIT and LA WORKS Participants**

(Released Between 10/1/2011 and 6/30/2012)

<b>Inmates</b>	<b>AB109 W/O Programs</b>	<b>N3 MERIT</b>	<b>AB109 LA WORKS</b>	<b>AB109 Mental Health*</b>	<b>Total</b>
<b>Released</b>	400	31	234	33	665
<b>Reconviction Rate</b>	36.0%	29.0%	23.5%	51.5%	31.3%
<b>Arrest Rate</b>	46.3%	45.2%	40.2%	54.5%	44.1%
<b>Technical Violation Rate</b>	2.3%	0.0%	2.6%	3.0%	2.3%
<b>Recidivism Rate</b>	<b>48.5%</b>	<b>45.2%</b>	<b>42.7%</b>	<b>57.6%</b>	<b>46.3%</b>

\* The 33 N3 inmates with mental health disorder are a subset of the 400 N3 inmates without programs

\*\*MERIT and LA WORKS are in-custody rehabilitative programs which are part of the EBI program.

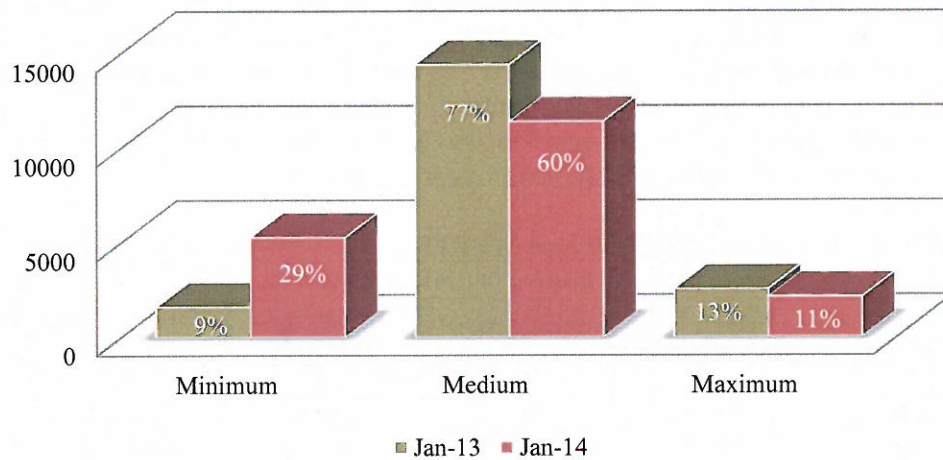
LASD continues to develop strategic partnerships with the goal of increasing the programming percentage in 2014. Specific proposals will be addressed in Section Two.

### **Improving Efficiencies and Information**

**Dynamic Classification System** – A significant challenge in managing a longer-term population is ensuring that the inmate classifications are valid and routinely reviewed based on ever-changing case factors. The LASD classifies all inmates entering the jail system during a face-to-face interview to ensure inmate, facility, and staff safety. This process places inmates into levels based on different factors (i.e. current arrest charge, criminal history, gang affiliation, etc.). The current classification system has nine different levels, with “One” being the lowest risk and “Nine” being the most dangerous. The classification system is augmented with additional identifiers for issues specific to the inmate unrelated to their arrest charge such as mental health issues, sexual orientation, or status as a police informant. By default, inmates between classification levels are given the higher risk classification. This further complicates the classification system and prevents the LASD from housing certain inmates together.

In 2013, LASD renewed their efforts to ensure that longer term offenders are reclassified in a routine manner to ensure that they are being managed in the most appropriate setting consistent with their classification factors.

## COMPAS Inmate Security Level Reclassification Impact



In addition to ensuring the inmates are routinely reevaluated, LASD has been working with Northpointe, the developer of the COMPAS assessment tool, to ensure that the classification system utilized to determine security levels of the inmates in the jails is validated and normed for the population. The goal is to streamline the inmate classification system and be more objective in assessing the inmates. It is expected that this will result in a system with fewer classification levels and will prevent the system from defaulting to a high security level. That project is expected to be completed by the summer of 2014.

**Population Projections** – The LASD does not possess a scientifically based population projection tool or staff with expertise to project the future inmate population. With a population projection tool and expert support, the department would be in a better position to manage its inmate population, properly forecast inmate bookings and releases, and be more transparent and accountable to jail bed management. Historically, the department has managed the inmate population based on daily snapshots and historical/seasonal trends. This method is short sighted and reactive. As a result, LASD's opening and closing of housing areas is constantly in flux based on day-to-day or weekend needs instead of a longer term planning approach.

Inmate population trends constantly evolve and vary based on a myriad of factors, including legislative changes and sentencing practices. To respond to these trends, professional projections are needed. Experts at UCI built a population projection tool for the California Department of Corrections and Rehabilitation (CDCR), which was validated and customized for the California prison population. The development of a population tool for the County jail also makes sense. In 2014, LASD hopes to contract for the development of a population projection tool to effectively manage the inmate population.



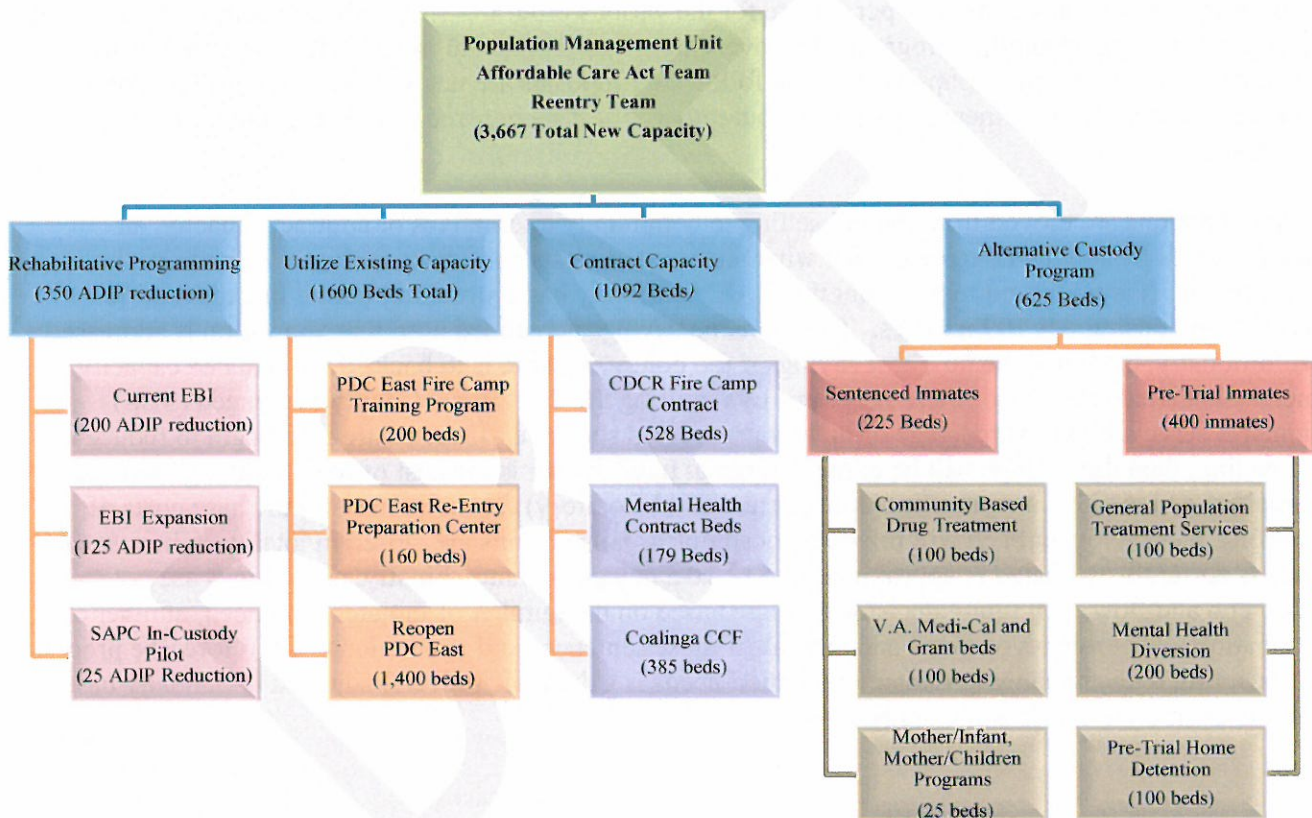
## SECTION TWO

**Section Two** provides potential capacity as well as population reduction measures with the use of enhanced sentence credit earning. The chapter begins with a chart that reflects the various options and is followed by a high level overview of each proposal. Within each proposal is the estimated cost and, where appropriate, a cost per day per inmate for the various programs in an effort to compare the cost of one program against another program. The overview of each proposal includes legal authority, and identifies the target inmate population. The following proposals are not an exhaustive use of contract beds and alternative confinement strategies but rather reflect recognized practices in correctional agencies.

As populations are moved from the jail setting to community alternatives or contract capacity, an analysis will be conducted to determine what the program costs and offset savings will be from the movement. It is important to point out that LASD currently has a structural deficit in excess of \$6 million in housing AB 109 inmates. Therefore, no savings is realized until that \$6 million is addressed. Additionally, there may be no offset savings if the policy decision is to backfill the reduced capacity need associated with any of these programs by requiring the Traditional County Sentenced (TCS) inmates serve a higher percentage of their court ordered sentence. If the desire is to begin to reduce crowding, then the savings will be at the "marginal rate," which is the cost of food, clothing, personal supplies, and medical supplies (including dental and laboratory) for the inmates as the base costs of staffing, electricity, garbage will not be reduced unless jails or units are closed in totality. The marginal rate is currently estimated at approximately \$12.10 a day per inmate. Finally, populations are not static they ebb and flow. All future decisions will be based on the number of inmates sentenced, number of probation and parole revocations and lengths of those sentences and revocations. Therefore, the process of adapting to ever changing inmate population needs is a dynamic process, adjusted bi-annually based on the overall jail needs and County priorities.

## Phase One Population Solutions

**Section Two** proposes a variety of population solutions that can be implemented in an expeditious manner, assuming resources are allocated and authorized. Because this section can be implemented rather quickly, this group of proposals is referred to as “Phase I Population Solutions,” whereas concepts that will take more time to analyze and implement are referred to as “Phase II Population Solutions” and are discussed in Section Three. Phase one solutions are presented in the chart below and described in greater detail in the following pages.



\***ADIP** refers to Average Daily Inmate Population and is the measure of the number of jail beds that are needed or reduced by each proposal

\*\* All ADIP reductions associated with EBI programming are evaluated and should be considered estimates.



# POPULATION MANAGEMENT UNIT

## *PROPOSAL #1*

**Cost:** Total \$18,300,000

\$7,200,000 – Existing Items, no funding requested.

\$3,400,000 – 27 additional Items requested for PMU.

\$7,700,000 – Request for ACA Team, proposal at the CEO.

### **Recommended Program**

The Population Management Unit (PMU) will be the command and control center for the Sheriff's Department's proactive management of the jail population with a vigorous effort to find programs in the community and within custody to educate and rehabilitate inmates.

Currently, there are several units within the Department that are tasked with similar duties to review, screen, and place inmates into programs or beds. That system is inefficient. This proposal recommends consolidating those units under the command of one captain and stream line responsibilities.

The overall role of the PMU will be to review the 19,000 inmates in jail searching for inmates who are eligible for the programs that are approved from the following options: Education Based Incarceration (EBI); PDC East and Contract Capacity; and Alternative Custody Programs. The PMU will conduct health care benefit enrollment, via the Affordable Care Act (ACA), they will conduct criminal history reviews, case factor reviews and conduct post release evaluation of programs, the PMU will conduct on-site monitoring of programs and monitor inmates placed in community based services or home detention, they will target inmates for placement in contract beds, such as fire camp and mental health services beds. Ultimately, this PMU will be accountable to ensure that public safety remains at the forefront as lower risk inmates are placed in community based alternatives to allow for retention of higher risk inmates. They will be responsible to ensure that any problematic inmates are immediately returned to a custody setting if necessary. This unit will evaluate contract capacity options to ensure the facilities are appropriate and relevant providers.

In addition to reducing the inmate population within the jail system, PMU will also follow the offenders' progress in Community Based Alternative programs. The unit will be equipped with a Analysis team whose main function will be to track the percentage of inmates sent out to programs, how many offenders return to custody, within what time frame and for what crimes. This data will be collected and may be used for future projection needs of the Los Angeles County inmate profile and to support recidivism research to ensure programs used by LASD are evidence based. Those programs that are effective will be recommended for expansion and those that are ineffective will be corrected or discontinued.

Without this dedicated team to ensure and track success of these various programs, LASD will not be able to maximize opportunities for less expensive housing options and taking advantage of federal dollars available under the Affordable Care Act. Ultimately with a dedicated team, LASD will be able to fully implement the programs described in Section Two.

### **Comparable Programs**

Most state correctional agencies have units and divisions responsible for managing the bed capacity to ensure maximum efficiency and utilization. The Los Angeles County Jail system is larger than 26 state prison systems, yet lacks the infrastructure normally associated with managing large correctional organizations. The establishment of the Population Management Unit would ensure oversight and accountability of the bed capacity and the implementation of the various proposals presented in this document. Absence that oversight unit, it may be difficult to ensure success of these projects.

### **Legal Authority**

The additional staffing needs of the PMU will require Board of Supervisor's approval.

### **Overview of the Target Population**

If there is support for several of these projects, the PMU will essentially be responsible for ensuring that the 19,000 inmates in the jail system are constantly evaluated to place the low risk inmates in the least restrictive environments consistent with their overall needs while ensuring higher risk inmates are retained in programs in a secure setting.

### **Costs**

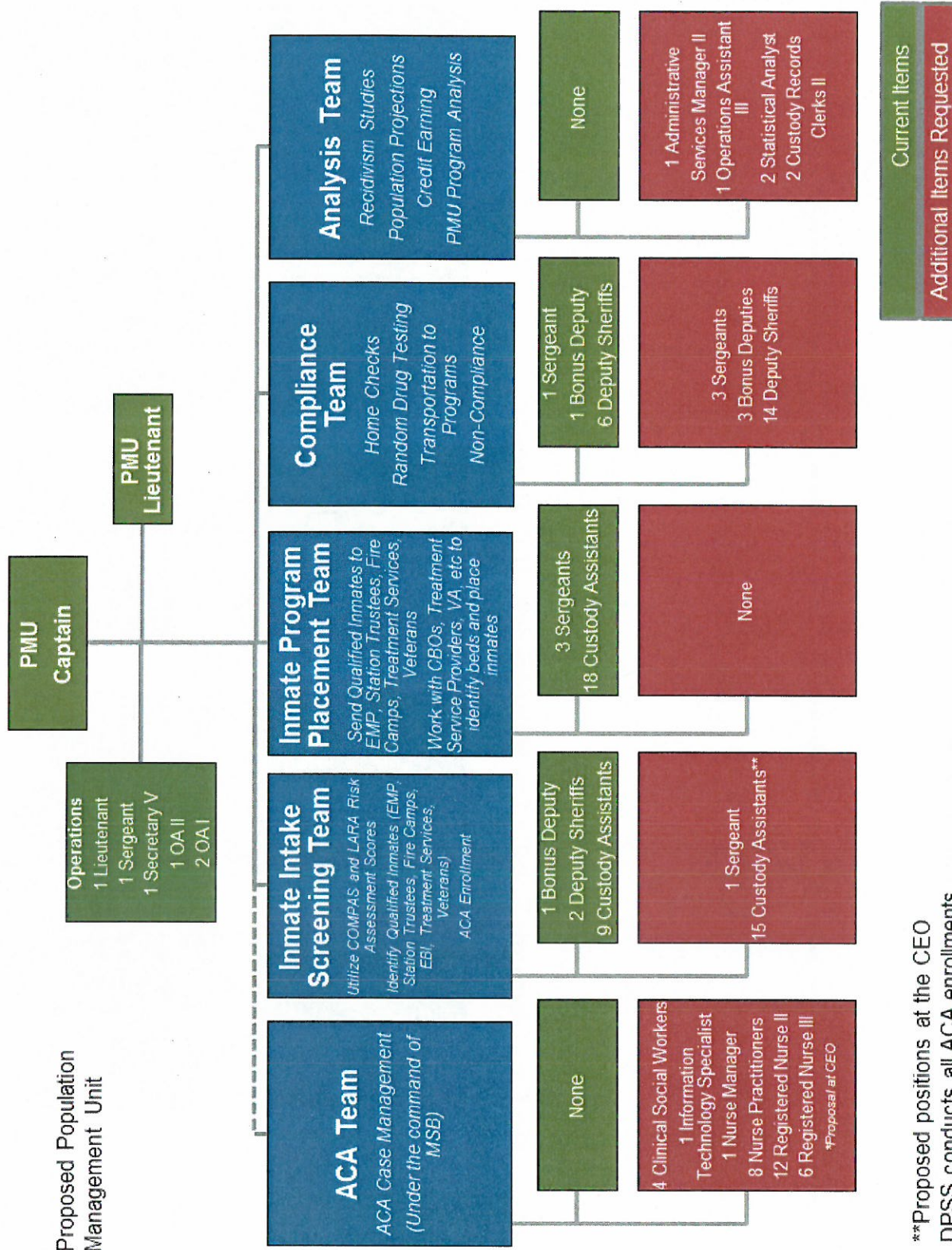
The Education Based Incarceration (EBI) Bureau is under the command of a captain and supervises the Community Transition Unit. This proposal transfers the existing command and operations staff of EBI to the PMU. EBI's sole responsibility will be to teach inmates in the various programs. The staff from the Community Transition Unit (CTU) and Community based Alternatives to Custody (CBAC), and the Non-Compliance Team, which is under the command of the Inmate Reception Center (IRC) will be transferred to the PMU. Finally, additional personnel will be hired for the ACA and Analysis teams. When fully staffed, inmates will be enrolled into ACA as they are booked into the jail. The entire jail population will be screened daily to identify inmates eligible for various programs. Qualified inmates will be placed into programs. A Compliance Team will be used to ensure offenders are making progress in their programs or returned to jail. The Analysis Team will be able to provide quantitative reports on the efficiency and effectiveness of the programs.

Of these positions, \$7.2 million dollars are funded and will be redirected from existing units within LASD to support the PMU. An additional 27 items at a cost of \$3.4 million will be required for the unit. A proposal for the ACA team is at the CEO's office awaiting approval at a cost of 7.7 million.

### **Implementation Timeline**

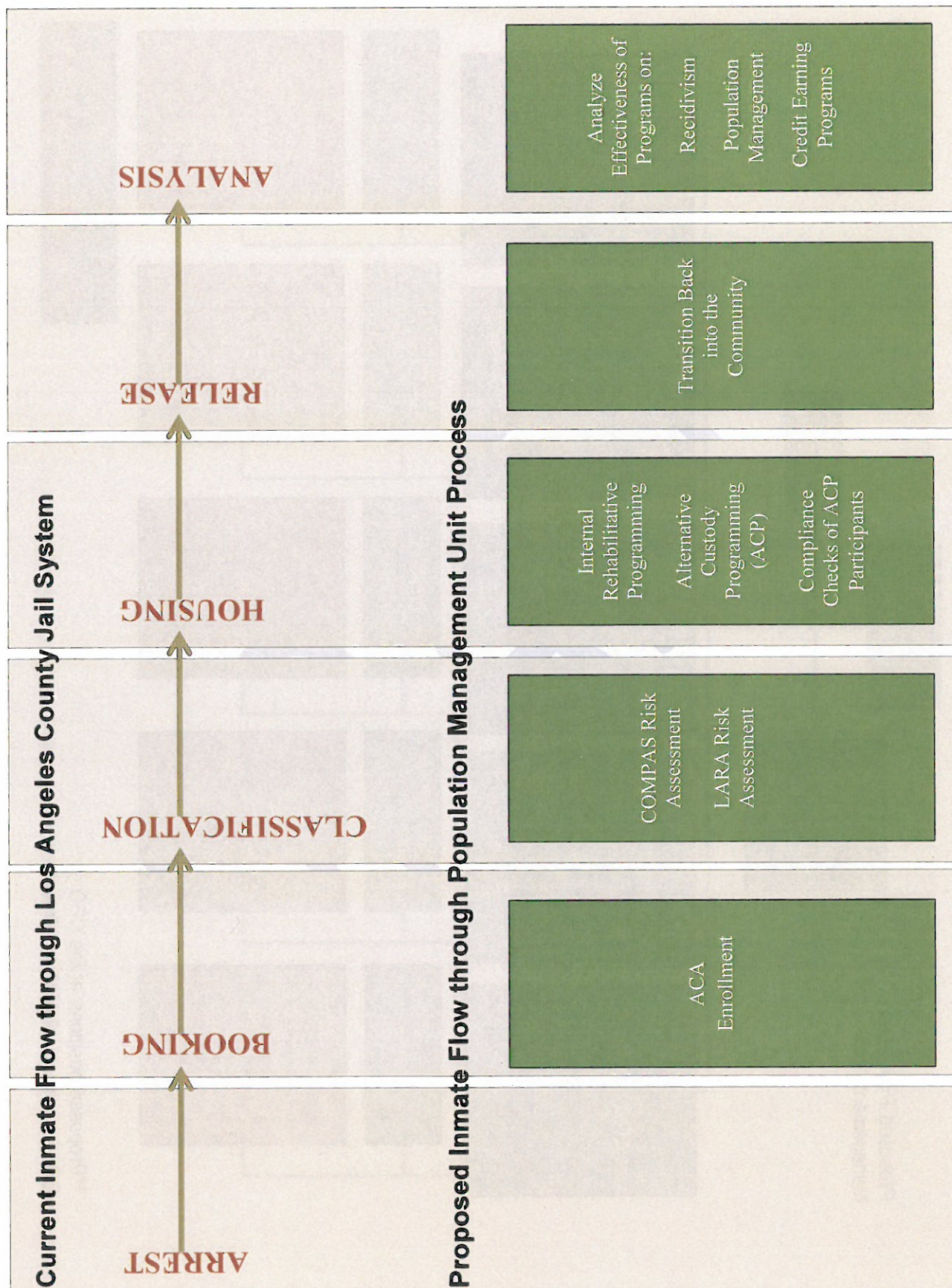
With Board of Supervisor approval of the additional staffing, the PMU could be set into motion immediately. Units will be reorganized under a new chain of command. The hiring process will immediately commence to fill the crucial items and implement the programs. The PMU will create monthly, quarterly and annual performance reports, which will include outcomes from the various programs recommended in this report.





\*\*Proposed positions at the CEO  
DPSS conducts all ACA enrollments







# REHABILITATIVE PROGRAMMING

## Milestone Credit Reductions Education Based Incarceration: Current Program Model

### *Proposal #2*

**ADIP Reduction:** Approximately 200<sup>3</sup>

**Inmate Participation:** TBD

**Net County Cost:** \$6.6 Million<sup>4</sup>

**ADIP Cost:** \$90.41<sup>5</sup>

### **Recommended Program**

The LASD will utilize Penal Code Sections 4019.2 and 4019.4, Milestone Credit Reductions, to reduce overall bed needs in the Los Angeles County Jail while providing evidence based rehabilitative programming. This legislation incentivizes inmates to engage in rehabilitative services targeted to improve re-entry outcomes while giving sentence credits for program completion.

Targeting high risk inmates and providing programming relevant to their individual criminogenic needs increases success upon reentry. Recognizing the connection between reduced recidivism and improved public safety, the Legislature recently passed legislation that awards enhanced credit earning for inmates who complete evidence based programming while in custody. The new credit earning law is codified under Penal Code Sections 4019, and permits sentenced inmates to earn up to an additional six weeks off their sentence annually for EBI program completion. A smaller group of inmates in fire camp and conservation programs can earn up to eight weeks off their sentence. The LASD operationalized the new legislation by codifying various Milestone Credit Earning schedules based on each EBI course completion (Attachment C). It is estimated that based on current EBI programming and percentage of sentenced inmates in EBI, the combination of those Milestone Credit Earning programs will result in a reduced annual bed need in excess of 200 beds.

The estimates will become clearer as data is gathered on the various programs. Ultimately, LASD will also be able to further quantify the impact of reduced bed needs associated with reduced recidivism when the County contracts for recidivism studies and evaluates outcomes of those inmates who attend EBI programs. A non-scientific year-long study of 569 inmates, demonstrated that approximately 209 inmates were rearrested and convicted of new crimes, equating to a recidivism rate of 36.7 percent. Even though non-scientific, this study has a promising outcome and will be further discussed as additional research and projections are developed. The inmates who did not attend EBI programming recidivated within the first year at a rate of approximately 55 percent, while those inmates who were enrolled in the contracted programs provided by LA Works recidivated within the first year at 42 percent.

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<sup>3</sup> Currently LASD is working with Dr. James Austin to validate ADIP Reductions Associated with Milestone Credit Legislation. Does not factor in associated recidivism reduction.

<sup>4</sup> Does not include Inmate Welfare Fund costs

<sup>5</sup> Cost includes all EBI personnel, including re-entry. Does not factor in recidivism reduction.



EBI Bureau will continue to provide inmates with quality short term education and vocational training courses to help lower recidivism, create a safer jail environment, provide job and life skills and reduce overall bed needs. A meta-analysis of various research studies conducted by the Rand Corporation revealed that "...inmates who participated in correctional education programs had 43 percent lower odds of recidivating than inmates who did not" (Davis, Bozick, Steele, Saunders, & Miles, 2013, p.xvi).



### Comparable Programs

The California Department of Corrections and Rehabilitation has been utilizing Milestone Credit Earnings to encourage program participation since 2010. Due to the same law being applicable in jails beginning in 2014, the AB109 sentenced inmates would be receiving the same program credits as if they were serving their time in state prison.

### Legal Authority

**Penal Code 4019.2.** (a) Notwithstanding any other law, any inmate sentenced to county jail assigned to a conservation camp by a sheriff and who is eligible to earn one day of credit for every one day of incarceration pursuant to Section 4019 shall instead earn two days of credit for every one day of service. (b) Notwithstanding any other law, any inmate who has completed training for assignment to a conservation camp or to a state or county facility as an inmate firefighter or who is assigned to a county or state correctional institution as an inmate firefighter and who is eligible to earn one day of credit for every one day of incarceration pursuant to Section 4019 shall instead earn two days of credit for every one day served in that assignment or after completing that training. (c) In addition to credits granted pursuant to subdivision (a) or

(b), inmates who have successfully completed training for firefighter assignments shall receive a 4019.4 [credit].

**Penal Code 4019.4 (a)(1)** In addition to credit awarded pursuant to Section 4019, a sheriff or county director of corrections may also award a prisoner program credit reductions from his or her term of confinement as provided in this section. A sheriff or county director of corrections who elects to participate in this credit reduction program shall create guidelines that provide for credit reductions for inmates who successfully complete specific program performance objectives for approved rehabilitative programming, including, but not limited to, credit reduction of not less than one week to credit reduction of not more than six weeks for each performance milestone.



*(2) Guidelines adopted by a sheriff or county director of corrections pursuant to this subdivision shall specify the credit reductions applicable to distinct objectives in a schedule of graduated program performance objectives concluding with the successful completion of an in-custody rehabilitation program. Upon adopting the guidelines, the sheriff or county director of corrections shall thereafter calculate and award credit reductions authorized by this section. A prisoner may not have his or her term of imprisonment reduced by more than six weeks for credits awarded pursuant to this section during any 12-month period of continuous confinement.*

*(b) Program credit is a privilege, not a right. Prisoners shall have a reasonable opportunity to participate in program credit qualifying assignments in a manner consistent with institutional security, available resources, and guidelines set forth by the sheriff or county director of corrections.*

*(c) As used in this section, "approved rehabilitation programming" shall include, but is not limited to, academic programs, vocational programs, vocational training, substance abuse programs, and core programs such as anger management and social life skills.*

*(d) Credits awarded pursuant to this section may be forfeited pursuant to the provisions of Section 4019. Inmates shall not be eligible for program credits that result in an inmate being overdue for release.*

*(e) This section shall only apply to inmates sentenced to county jail pursuant to subdivision (h) of Section 1170.*

*(Added by Stats. 2013, Ch. 266, Sec. 1. Effective January 1, 2014.)*

### **Overview of the Target Population**

There are nearly 10,000 sentenced inmates in the Los Angeles County Jail who are eligible for enhanced credit for program participation. Of those, nearly 90% are considered low to medium risk inmates. The LASD is currently working to quantify the number of sentenced inmates in EBI and fire camp programming to determine the extent of the benefits of rehabilitative programming. Additionally, learn the benefits upon the offenders release from jail as well as the secondary benefit of reducing total bed needs due to the enhanced credit earning.

### **Eligibility**

All inmates who are classified as low-to-medium (1-7) offenders are eligible to participate in EBI programming. While some inmates with a security level of 8 (medium-high) currently receive limited programming, staffing levels do not allow for more robust programming of this population. Along with generating an automated report to identify inmates for programming, inmates can submit a request to participate in EBI courses. Inmates are then evaluated to identify their particular needs.

Generally, the following inmates are currently not eligible for programming:

- Inmates with severe mental health issues who cannot benefit from programming due to their mental health acuity
- Inmates who are considered a security risk to staff or other inmates

### **Costs**

Approximately - \$6.6 million– Net County Costs - AB-109 Funded

Approximately - \$15.2 million– Inmate Welfare Fund (IWF) FY-2012/2013

A significant portion of these costs fund EBI personnel to implement and provide security; specifically, 61 items are funded through Net County Costs and an additional 61 items are funded through the Inmate Welfare Fund. Included in the IWF expenditures are \$8.6 million annual contract costs for "LA Works"

instructors to provide Vocational and Life Skills courses. The remainder of the funding is utilized to pay for classroom equipment and supplies. It is important to state that in excess of \$10 million annually in educational services are provided in the jails by a variety of Charter Schools at no cost to Los Angeles County. Those services are provided by the Charter Schools with federal funding associated with the average daily student attendance. If it were not for the EBI infrastructure, LASD could not benefit from those services.

#### **Implementation Timeline**

EBI programs are currently being provided; however the projected ADIP reduction of 200 beds will require one full year of bed day savings associated with the various Milestone Credit Earning certificates. The estimated bed savings will be routinely updated as programs change and evolve.



# REHABILITATIVE PROGRAMMING

## Milestone Credit Reductions Education Based Incarceration: Program Expansion

*Proposal #3*

**ADIP Reduction:** Approximately 125<sup>6</sup>

**Inmate Participation:** TBD

**Net County Cost:** \$2 Million<sup>7</sup>

**Classroom Expansion Cost:** \$1.3 Million<sup>8</sup>

**ADIP Cost:** \$43.84<sup>9</sup>

### **Recommended Program**

The LASD will utilize Penal Code Sections 4019.2 and 4019.4, Milestone Credit Reductions, to reduce overall bed needs in the Los Angeles County Jail while providing evidence based rehabilitative programming. This legislation incentivizes inmates to engage in rehabilitative services targeted to improve re-entry outcomes while giving sentence credits for program completion.

The LASD is recommending the expansion of EBI rehabilitative programming into the evening hours to maximize existing jail programming space to improve re-entry outcomes and increase the number of inmates receiving rehabilitative programming (Attachment C). For additional information regarding the impact of EBI programming on bed capacity, please refer to previous proposal, titled: "*Education Based Incarceration, Milestone Credit Reduction, and Current Program.*"

In addition to recommending expansion into the PM hours, the LASD is recommending increasing the classroom space for inmates by either modifying existing space and/or providing additional space within the custody facilities. The cost for build out and modification for additional classroom space is \$1,288,324. This figure includes an on-going cost for 10 custody personnel, which will be funded through the Inmate Welfare Fund. A onetime cost will be associated with classroom equipment, i.e. tables, chairs, computers. Other onetime costs include assessing the build out of classrooms or purchasing trailers. Funding source will be provided by the Inmate Welfare Fund.

### **Comparable Programs**

The California Department of Corrections and Rehabilitation has been utilizing Milestone Credit Earnings to encourage program participation since 2010. Due to the same law being applicable in jails beginning in 2014, the AB 109 sentenced inmates would be receiving the same program credits as if they were serving their time in state prison.

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<sup>6</sup> Currently LASD is working with Dr. James Austin to validate ADIP Reductions Associated with Milestone Credit Legislation. Does not factor in associated recidivism reduction.

<sup>7</sup> Does not include Inmate Welfare Fund costs

<sup>8</sup> \$1.3 million reflect a partial onetime cost by the Inmate Welfare Fund.

<sup>9</sup> Cost includes all EBI personnel, including re-entry. Does not factor in recidivism reduction.

## **Legal Authority**

Refer to Proposal #2 for legislative authority.

## **Overview of the Target Population**

The LASD manages the largest jail population in the country, with nearly 10,000 sentenced inmates incarcerated at any given time. With the increased sentenced population, the EBI bureau has been tasked with providing additional programming for the growing demand. To address this limitation, the LASD is recommending that resources be allocated to provide classroom instruction into evening shifts, thus maximizing the limited program space in the jails. It is estimated that this will increase the current student enrollment to 70% of the total sentenced population. To improve outcomes for the AB 109 sentenced inmates, while benefiting from bed reductions associated with milestone credit earnings, the EBI PM Expansion pilot program will target the sentenced population.

Additionally, with the increased AB 109 sentenced inmates within the jails, the LASD has been tasked with providing educational courses for this growing population. To overcome this challenge, the LASD is recommending the building out and modification of existing space within its custody facilities for classroom space. It is estimated that providing additional classroom space would increase the student enrollment by 725 inmates.

## **Eligibility**

All inmates who are classified as low-to-medium (1-7) offenders are eligible to participate in EBI programming. Along with generating an automated report to identify inmates for their programming needs, inmates can submit a request to participate in EBI courses. Inmates are then evaluated and placed into programs that meet their particular risk and needs.

The following inmates are not eligible for programming:

- Inmates with severe mental health issues that inhibit their ability to participate based on their mental health acuity
- Inmates who are considered a security risk to staff or other inmates

## **Costs**

The cost for evening classroom instruction is approximately \$2,032,400 annually. This amount includes 18 deputy personnel and 27 teachers/instructors. Funding for teacher's salaries can be subsidized by federal dollars associated with the Average Daily Attendance. The LASD will rely on EBI personnel, Community Based Organizations Charter Schools, and potential expanded contract capacity to provide rehabilitative programming on the evening shift.

The costs for the classroom expansion, approximately \$1,300,000 will be provided by the Inmate Welfare Fund. There will be a \$970,000 annual on-going cost for 10 custody personnel, which will also be paid for by the Inmate Welfare Fund.

## **Implementation Timeline**

Assuming funding is allocated, it is estimated the LASD will require six months to complete the implementation to increase EBI from zero participants on the evening shift to 4,000 inmates. The estimated ADIP reduction of 125 beds will require one year of full program implementation and will be monitored and estimates adjusted as time and experience of implementing the credit is realized.



Modifications to the facilities will be implemented over time however classroom equipment will be purchased immediately to start providing programming to the inmates.

DRAFT

# REHABILITATIVE PROGRAMMING

## Milestone Credit Reductions In-Custody Drug Treatment Program 500 bed SAPC Pilot Program

*Proposal #4*

**ADIP Reduction:** 25 Beds

**Inmate Participation:** 500 Inmates over the course of 12 Months

**Net County Cost:** Approximately \$580,000 to Department of Public Health  
No Cost to LASD

**ADIP Cost:** \$63.56

### **Recommended Program**

It is the goal to reduce incarceration and recidivism associated with substance abuse dependency while indirectly creating bed capacity with inmates receiving earned credit for rehabilitative program participation as previously discussed in Proposal #3 and #4.

In a strategic partnership between EBI and the Los Angeles County Department of Public Health (DPH), LASD will identify AB 109 sentenced inmates for placement in a custody substance abuse EBI program administered by DPH. The inmates will be assessed for Substance Use Disorder (SUD) and be recommended for either Enhanced Drug Education Programming or In-Custody Education and Treatment Program or possibly both programs. Once approved for the program, inmates will be placed in a 30-day MERIT drug treatment program modeled after the five principles of effective intervention as developed by a panel of correctional experts under the California Logic Model.

The principles are:

- Risk: Target high-risk offenders
- Need: Treat risk factors associated with offending behavior
- Treatment: Employ evidence-based treatment approaches
- Responsivity: Tailor treatments to meet special needs
- Fidelity: Monitor implementation, quality, and treatment fidelity

The Population Management Unit (PMU) and Affordable Care Act (ACA) benefit enrollment teams are instrumental in the success of this program. The PMU team will help identify the potential population, while the ACA team will ensure benefit enrollment, and the PMU/ACA teams will work hand-in-hand with the DPH and community providers to seek opportunities to transition the inmates who receive in-custody drug treatment into community transition treatment center. It is estimated that up to 500 inmate participants will receive programming for one period. Inmates who complete this program are eligible for up to one week off of their sentence pursuant to PC 4019.2 and the LASD Performance Milestones – Credit for Participation in Approved Rehabilitation Programming policy (Attachment C).

The costs associated with the program are tied to staffing from DPH to help the LASD administer the program and are reflected in the attached funding request which is currently under consideration with the Chief Executive Officer (Attachment D). If funded, the DPH will dedicate three full time employees



to conduct drug education groups and assessments to determine the offender's need for SUD treatment either as an alternative custody program or upon re-entry following the inmate's release.



### **Comparable Programs**

In-Custody Drug Treatment is well established as a national model to reduce recidivism. It is estimated that over 64 percent of offenders suffer from chemical dependency, yet LASD has only 84 slots for drug treatment to serve over 18,500 inmates; 60 for male inmates and 24 for female. The California Department of Corrections and Rehabilitation (CDCR) 2012 annual Recidivism Report found that a cohort of inmates released in fiscal year 2007/2008 who received substance abuse treatment and aftercare recidivated at a rate less than half the rate of those who receive neither.

### **Legal Authority**

No legal authority is required to place inmates into programs inside a custodial setting. However, the bed reduction of approximately 25 beds occurs as a result of the involved inmates receiving sentence credit reductions of up to 6 weeks a year for program completion.

Refer to Proposals #2 for legislative sections.

### **Overview of the Target Population**

As reflected in Attachment E, approximately 64 percent of inmates suffer from chemical dependency problems that drive criminal behavior. Therefore, statistically over 12,000 inmates would benefit from this program. For this pilot program, SAPC and LASD will identify approximately 500 inmates of the 6,000 AB 109 sentenced inmates for participation.

### **Eligibility**

AB 109 inmates who have a substance abuse disorder and are classified as low-to-medium (1-7) offenders are eligible. Along with the PMU reviewing potential candidates from generated lists, inmates can submit a request to participate in EBI and this program. Inmates will then be evaluated to identify the needs of that particular inmate to ensure that only inmates with a SUD treatment need and high risk to recidivate are placed in these limited program slots.

The following inmates are not eligible for programming:

- Inmates with severe mental health issues and cannot benefit from this program due to their mental health stability
- Inmates who are considered a security risk to staff or other inmates

#### **Costs**

The cost for this in-custody treatment program is \$583,443. However, this cost is incurred by the DPH and is cost-neutral to the LASD. No additional staffing requirements are needed by the LASD as existing EBI personnel will oversee the program.

#### **Implementation Timeline**

In order to implement this program, the Board of Supervisors will need to approve the funding for the pilot project and DPH will need to hire and orientate new contract employees, which will take between 30 and 90 days. The inmates will be immediately placed in the program when DPH staff becomes available.



# UTILIZE EXISTING CAPACITY

## PDC East Fire Camp Training Program

*Proposal #5*

**ADIP Reduction:** 80

**Inmate Participation:** 200

**Total ADIP Impact:** 280

**Net County Cost:** \$8,239,000

**ADIP Cost:** \$80.91

### **Recommended Program**

To handle the growing inmate population and address the public safety concern of having trained inmate fire crews available during the hazardous fire season, the LASD and Los Angeles County Fire Department (LACoFD) implemented a Fire Camp Training Program at PDC-East to prepare low risk male inmates for the California Department of Corrections and Rehabilitation (CDCR) fire camp program. While in the program, the inmates receive enhanced credit earning and are utilized for projects as requested in the county.

Two housing units at PDC-East have been retained to house the inmates and their training occurs outside of the secure perimeter of PDC-East but at the PDC compound until they are cleared for transfer to CDCR. LASD staff serves both as housing security at PDC-East, security during the training program and security for any off reservation work details in the community.

Inmates assigned to the program receive enhanced credit earnings, referred to as “two-for-one” credit. Essentially, AB 109 sentenced inmates receive “day-for-day” credit earnings which equates to 182 days off every year of the sentence. Fire camp inmates receive 244 days off their sentence, which is 62 more days than AB 109 inmates who are not in the fire camp program.

### **Comparable Programs**

Only the CDCR maintains inmate fire camp training programs at their facilities. Three prisons are designated to train inmates for placement in fire camp but those training programs address inmates who are being placed in Cal Fire run fire programs, as opposed to the LA County model, which is for Los Angeles County Fire Department to train the inmate fire fighters to work in the five Los Angeles County fire camps. Female inmates from Los Angeles County are transferred to the California Institution for Women, Chino, for fire camp training with other female inmates. The CDCR does provide fire fighter training for other county inmates, the daily cost is \$118 dollars.

### **Legal Authority**

As this program occurs within the jail program, the Sheriff maintains jurisdiction to manage Los Angeles County Inmates. The enhanced credit earning for the program is authorized pursuant to penal code section 4019.2:

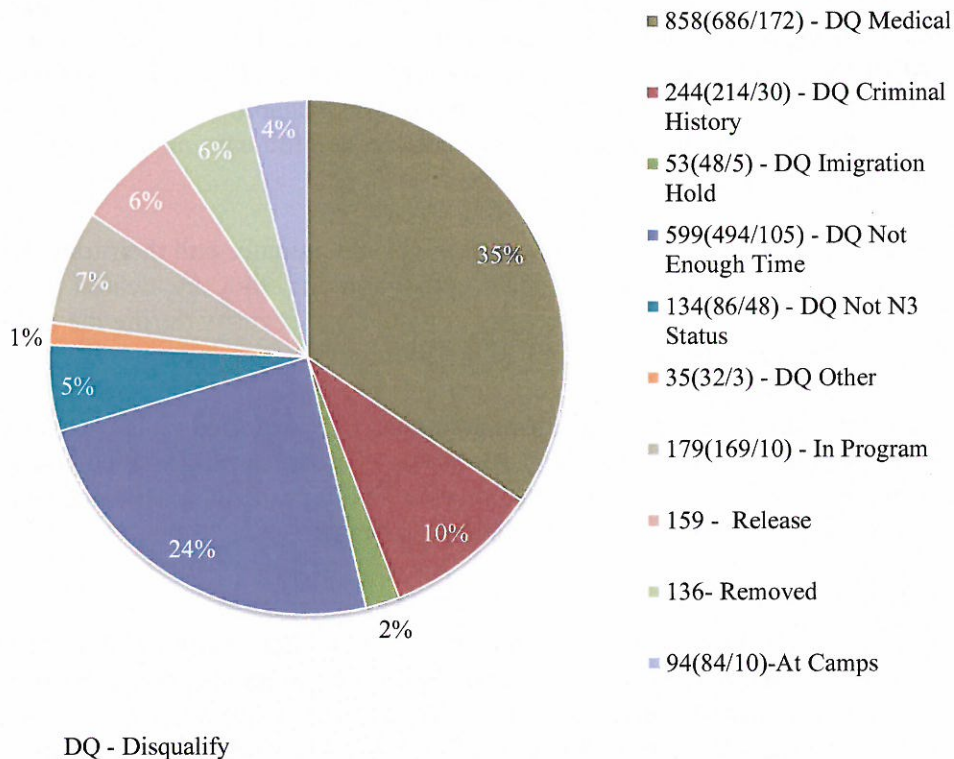
Refer to Proposal #3 for legal authority.

### Overview of the Target Population

There are currently over 6,000 AB 109 sentence inmates in the jails. Of those, over 58% of the females are considered minimum security risk and over 40% of the males are considered minimum security risk. As a result, there are sufficient inmates in the jail system to maintain the fire training program at PDC-East. A training program will always be necessary as inmates will continue to parole from the program and a trained replacement pool is necessary.

Since the implementation of the program, nearly 2,500 inmates have been evaluated for placement. The following is a breakdown of the findings of the screenings and 351 inmates have been transferred into the program as of January 31, 2014:

### 2491 Inmates Evaluated



### Eligibility

An automated daily report is generated, similar to the Community Based Alternatives to Custody (CBAC) daily report, to help identify qualified inmates.

Each inmate is then considered on a case-by-case basis using the following criteria:

- Must be sentenced under AB-109
- Must have clear medical/mental health history
- No current or past serious, violent, sexual or arson crimes



- No lengthy disciplinary problems or issues
- Must have at least one year left on sentence
- No Active holds
- No Escapes
- No active gang activity
- No immigration holds

The LASD does not have final authority on the inmates approved for placement into CDCR fire camps. Once the inmates have completed the PDC-East training program, their case factors are provided to CDCR for review prior to final approval to transfer.

#### **Costs**

The LASD has been running this program without adequate funding and is creating a structural deficit. As a result, LASD submitted a request to the Chief Executive Officer to fund the program. (Attachment F)

#### **Implementation Timeline**

LASD implemented this program in 2012 without funding and is able to maintain the target daily population of 200 male inmates in the training program.

# UTILIZE EXISTING CAPACITY

## PDC East

### Re-Entry Preparation Center 160 bed Pilot Program

#### *Proposal #6*

**ADIP:** 160<sup>10</sup>

**Inmate Participation:** 640 inmates over the course of 12 months

**Net County Cost:** \$4,866,640 annually

**ADIP Cost:** \$83.33

#### **Recommended Program**

It is proposed LASD reactivates a portion of Pitchess Detention Center East (PDC East) to operate a 160 bed re-entry preparation center. This program would take advantage of two empty dorms and existing program space in the jail, as well as, benefit from the security staff monitoring the Fire Camp Training Program to reduce overall costs to activate two curtailed dorms.

The re-entry center would provide community reintegration programs to qualified male inmates 90 days prior to release. Reintegration programming would include family reunification and life skills and re-entry services to assist inmates in their transition back into the community. Additionally, staff would assist inmates in obtaining important documents, including birth certificate, social security card, California identification card and/or driver's license as well as support the inmates with job readiness, seeking safe housing, benefit enrollment, and transition to community based supportive programs.

The 160 bed pilot program affords the County the opportunity to target services for re-entry offenders in a "one-stop approach," where the Probation officer can meet with their caseloads, DPH-SAPC can work with inmates on transition to the community and a variety of CBOs can conduct robust in-reach services in an effort to improve re-entry outcomes and reduce recidivism prior to release.

#### **Comparable Programs**

The Orange County Sheriff's Department (OCSD) has a robust in-custody program and post release after care services program. In-custody programs include individual assessments, pre-release planning classes, domestic violence classes, anger management classes, and other re-entry services. Criminogenic needs addressed in the assessment include substance abuse treatment needs, education/vocational needs, housing challenges, and employment support.

The OCSD Re-Entry most recent six-month recidivism report reflects 148 clients out of 1,606 participants (9.2%) recidivated within six months. This is significantly lower than LASD information on AB109 Inmates returning to Custody, which is based on a non-scientific study by EBI, who studied a pool of 665 inmates over an eight month period (Oct. 2011 to June 2012)<sup>9</sup>. The recidivism rate for this group was 46.3% (Attachment G).

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<sup>10</sup> NOTE – Conflicts with Proposal #7 – Fully Occupy PDC East Facility



A review of the California Department of Corrections and Rehabilitation *The Future of California Corrections*, reflects CDCR has established re-entry centers across California and plans to open an additional nine re-entry centers in 2014. CDCR identifies individuals who are within four years of release and demonstrate a willingness to maintain appropriate behavior to take advantage of such programs. Additionally, offenders must score as moderate to high risk to reoffend or have a medium to high need as assessed by the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS). The five major components of the re-entry hubs are: Enhanced academic education programs, career technical education programs, cognitive behavioral therapy programs, transitional programs and California Identification Card program. The cognitive and behavioral therapy program includes: Substance abuse, criminal thinking, anger management and family relationships education.

Inmates at the New York City Department of Corrections (Rikers Island) have received re-entry services through the department's Rikers Island Discharge Enhancement (RIDE) program since 2003. In 2013, after a review of the program, Rikers Island staff modified the program and using the latest evidence-based practices and started the Individualized Corrections Achievement Network (I-CAN). I-CAN is a second generation re-entry services program that analyzes the inmate population length of stay, risk of readmission and elevated need for assistance, discharge planning for both pretrial and sentenced inmates. With I-CAN, the NYCDOC expects to reduce recidivism by 10 percent. Staff uses the Service Priority Level Instrument to identify pretrial and sentenced male and female inmates to participate in the program, which aids inmates in obtaining a valid state identification card, earning a GED, resume preparation, job placement and retention, technical education and substance abuse treatment. Since 2007, additional re-entry services have been available for NYCDOC inmates through a "Single Stop" re-entry center. More than 10,000 men and women have received help with employment assistance, public benefits enrollment, eviction prevention and other civil matters, including rap sheet correction.

### **Legal Authority**

Not Applicable

### **Overview of the Target Population**

If there is a desire to reopen a portion of PDC East as a re-entry center, sufficient population exists as there are approximately 2,600 sentenced male inmates in custody who are within 90 days of release. More than 500 AB109 male inmates are released every month back into the community and a targeted program to assist them in preparation is acutely necessary.

### **Eligibility**

Each inmate will be considered on a case-by-case basis using the following criteria:

- Male Inmates 90 days from release
- No DMH special handle and or significant mental health treatment needs
- No significant medical needs
- Currently enrolled in E.B.I. or willing to participate in E.B.I.

### **Costs**

The cost to open the PDC East Re-Entry Center would be \$4,866,640 annually or \$83.33 per inmate per day. This cost reflects the staff needed to maintain security, provide programming and provide services to inmates (including food, clothing and utilities). (Attachment G)

### **Implementation Timeline**

In order to open the PDC East Re-Entry Preparation Center Pilot Program, the LASD would require funding and authority from the Board of Supervisors to provide additional staffing. Based on the limited number of staff needed to open two housing units to run the program, the LASD would need ninety days from approval to develop the reentry program, coordinate with County partners and community based organizations, and to identify and move the population into the facility. The facility can be immediately staffed with overtime, but ultimately, additional hiring, background checks, and academies would be needed to address the additional staffing needs.



# UTILIZE EXISTING CAPACITY

## PDC East Fully Occupy Facility

*Proposal #7*

**ADIP:** 1400<sup>11</sup>

**Net County Cost:** \$46,807,100

**ADIP Cost:** \$91.60

### **Recommended Program**

Jail bed capacity exists at Pitchess Detention Center East (PDC East) that could be easily reactivated with additional funding. PDC East was curtailed in June 2013 due to a structural deficit in funding associated with housing the AB109 population. PDC East has a capacity of 1600 beds. Currently, 200 of those beds house inmates in the Inmate Fire Camp Training Program, while the other 1400 beds remain available if funding is provided.

### **Comparable Programs**

Not Applicable

### **Legal Authority**

Not Applicable

### **Overview of the Target Population**

PDC East has traditionally held medium security male inmates. Nearly two thirds of the male inmate population is classified as a medium security level. Additionally, if county sentenced inmates who are currently only serving a percentage of their sentence were required to serve a greater percentage of time, up to an additional 3,000 male inmates could be retained in this facility.

### **Eligibility**

Not Applicable

### **Costs**

The cost to fully reopen PDC East is \$46,807,100 annually or \$91.60 per day. This cost reflects staff needed to maintain security, provide programming and provide services to inmates (including food, clothing and utilities).

### **Implementation Timeline**

In order to reopen PDC East, the LASD would require funding and authority from the Board of Supervisors to hire additional staff. Due to the need to complete background reviews and academy classes, it will take in excess of one year to hire and train the additional staff needed to reopen the facility. However, the facility population can be expanded in stages utilizing overtime. If approved, the

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<sup>11</sup> NOTE – Conflicts with Proposal #6

LASD would immediately review potential inmates for housing at PDC East and would develop a timeline and costing based on an approved funding allocation.

DRAFT



# CONTRACT CAPACITY

## Fire Camp Training Program

*Proposal #8*

**ADIP:** 528

**Net County Cost:** \$8,000,000 Annually

**ADIP Cost:** \$46.19

### Recommended Program

In an effort to free up bed space within the Los Angeles County Sheriff's Department (LASD) jail system for more serious inmates, the Chief Executive's Office for Los Angeles County released the Alternatives to Incarceration report on October 12, 2012, that suggested the use of Fire Camps was the most viable option to provide housing for the AB 109 sentenced inmates with the longest sentences.

In September 2013, LASD and Los Angeles County Fire Department (LAFD) entered into a contract with the California Department of Corrections and Rehabilitations (CDCR) to transfer custody of up to 528 AB 109 sentenced inmates into the CDCR inmate firefighting program. The LA County inmates will be under the supervision of CDCR and will ultimately replace all of the State offenders within the five LAFD Fire Camps.

### Comparable Programs

Other counties also have a contract with CDCR for inmate supervision in the fire camp program, most notably Riverside County. The CDCR inmate firefighting program has been in existence for well over 50 years with up to 6,000 inmates living in supervised fire camps throughout California. These inmate fire camp programs have historically been populated by the types of inmates currently being retained in county jails under AB 109.

### Legal Authority

Legal authority exists to implement this program.

Refer to Proposal #2 for legal authority.

### Overview of the Target Population

There are currently over 6,000 AB 109 sentence inmates in the jails. Of those, over 58% of the females are considered minimum security risk and over 40% of the males are considered minimum security risk. As a result, there are sufficient inmates in the jail system to fill the 528 available beds. After full implementation, there may be opportunity to expand the program if additional viable inmates and funding are available.

### Eligibility

The following eligibility requirements must be met for participation in the Fire Camp Training program:

- Must be fully sentenced under AB109 and willing to participate
- Must have one year or more to serve in custody
- Must be screened through the Correctional Offender Management Profiling Alternative Sanctions (COMPAS) and Wisconsin risk based assessment tools

- Must not have any serious medical or psychological problems
- Must be classified with a security level of seven (7) or below
- Must not have any major disciplinary incidents while incarcerated
- Must not have any active prison gang affiliation
- Must not have any immigration holds or outstanding warrants (some removals are allowed)
- Must not have any exclusionary charges (as per Penal Code Sections 667.5 (C), 1192.7 (C) 1192.8)
- All inmates are subject to discretionary review and disqualification at any time

### **Costs**

The maximum contract sum for the three-year contract is \$27 million, which is funded by AB109 monies that have been allocated to LASD.

The CDCR has established a State-wide fire camp contract daily bed rate of \$46.19, which is equivalent to an annual cost of \$8.9 million for the supervision of 528 AB 109 sentenced inmates. In contrast, the Sheriff's daily bed rate is \$118.32, which would cost \$22.8 million annually if the AB 109 inmates remained in traditional jail beds. Additionally, fire camp inmates receive enhanced earned credit while in the program, so their overall length of sentence is reduced by approximately two months per year for every year they serve in the program. This earned credit reduces the bed needs in the jails by another 85 beds and allows the Sheriff's department to retain parole violators and county sentenced inmates longer than would be possible without freed bed space.

There is potential that the daily rate for a percentage of the inmates may reduce to \$10 per day while under CDCR jurisdiction. The specifics and approval for the proposal are pending legislative consideration and implementation decisions.

### **Implementation Timeline**

Fire Camp trained inmates began transferring to the Los Angeles County Fire Camps in November 2013. Approximately 100 inmates are currently in CDCR jurisdiction. The PDC East Fire Training Camp will maintain "Fire Ready" inmates to fulfill vacancies as they occur and in preparation for additional beds as designated by CDCR. It is the goal to work with CDCR to continue to expand the overall population in the program by 40 inmates a month until the program is at capacity.

The current contract will terminate on June 30, 2016.



# CONTRACT CAPACITY

## Mental Health Treatment Beds

*Proposal #9*

**ADIP: 179**

**Net County Cost: \$6,420,000<sup>12</sup>**

**ADIP Cost: Varies from \$84.50 TO \$162 per day**

### **Recommended Program**

To handle the growing population of inmates with mental health needs, it is proposed LASD allow low risk male and female inmates with a Serious Mental Illness (SMI) to be placed in a community mental health treatment facility whose primary mission will be treating the co-occurring disorder of chemical dependency and mental illness. Inmates suffering from co-occurring disorders represent the highest recidivism rates, and robust treatment planning is required for successful reentry.

Additionally, LASD and the Department of Mental Health (DMH) have been subject to an MOU with the United States Department of Justice (DOJ) for more than a decade. A key provision of that MOU addresses treatment hours and treatment space. By seeking contract capacity for 179 community based beds, LASD would be demonstrating to DOJ a commitment to expand resources and manage low risk mentally ill inmates in the least restrictive environment possible.

This program would allow inmates to be diverted into pre-trial mental health diversion or to complete the last 6 to 12 months of their sentence in a supervised environment designed to target their needs. LASD recently submitted an RFI seeking information on potential capacity for inmates with co-occurring needs (Attachment H) and received responses from five Community Based Organizations willing to provide services. The total number of beds from the RFI response is 179 beds.

If there is a desire and funding to contract for any or all of these beds, the capacity could be utilized for pre-trial diversion as well as Alternative Custody Re-entry programming for low risk mentally ill inmates, as these programs are primarily located in secure treatment centers.

### **Comparable Programs**

Since 1986, the California Department of State Hospital has maintained a statewide system of community-based treatment services for mentally ill offenders pursuant to the Forensic Conditional Release Program (CONREP). Under the CONREP program, mental health treatment begins in custody. When a treatment team believes an individual can be safely and effectively treated on an outpatient basis, the team will recommend a transfer to an outpatient CONREP facility.

Additionally, the Los Angeles County Department of Mental Health has been working with the courts to place low risk inmates with mental health needs in community based services. This program has been in effect since 1987. While the overall population fluctuates, as of February 1, 2014, there were 120 such inmates housed in these programs in the community.

<sup>12</sup> See Attachment

### **Legal Authority**

The Sheriff currently has the authority to place pre-trial and sentenced inmates into an alternative custody mental health program under Penal Code Section 4011.8, which states:

*A person in custody who has been charged with or convicted of a criminal offense may make voluntary application for inpatient or outpatient mental health services in accordance with Section 5003 of the Welfare and Institutions Code. If such services require absence from the jail premises, consent from the person in charge of the jail or from any judge of a court in the county in which the jail is located, and from the director of the county mental health program in which services are to be rendered, shall be obtained. The local mental health director or his designee may examine the prisoner prior to the transfer from the jail.*

*Where the person in charge of the jail approves voluntary treatment for a prisoner for whom criminal proceedings are pending, the person in charge of the jail shall immediately notify each court within the county where the prisoner has a pending proceeding about such approval; upon notification by the jailer the court shall forthwith notify the prosecuting attorney and counsel for the prisoner in the criminal proceedings about such transfer.*

*If the prisoner voluntarily obtains treatment in a facility or is placed on outpatient treatment pursuant to Section 5003 of the Welfare and Institutions Code, the time passed therein shall count as part of the prisoner's sentence. When the prisoner is permitted absence from the jail for voluntary treatment, the person in charge of the jail shall advise the professional person in charge of the facility of the expiration date of the prisoner's sentence. If the prisoner is to be released from the facility before such expiration date, the professional person in charge shall notify the local mental health director or his designee, counsel for the prisoner, the prosecuting attorney, and the person in charge of the jail, who shall send for, take, and receive the prisoner back into the jail.*

### **Overview of the Target Population**

There are approximately 2,200 inmates currently located in mental health housing. Approximately 220 of those inmates are high security level inmates and therefore would not qualify for this program. About 65% of the remaining inmates are in custody for drug, property, and other minor offenses, leaving LASD with approximately 1,300 inmates who may qualify for placement in this program.

### **Eligibility**

Consideration for participation in this program will include a full case history review and a risk assessment will be administered to qualified inmates to ensure the inmate meets the established criteria. It will be the responsibility of DMH, PMU and the ACA team to identify these inmates, begin the benefit enrollment process and work with contractors and community based providers for placement.

Each inmate will then be considered, on a case-by-case basis, using the following criteria:

- Current diagnosis as Serious Mentally Ill
- Established history of substance abuse
- No current or previous serious, violent or sexual charges<sup>12</sup>
- No current or previous domestic violence or stalking charges

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<sup>13</sup> As defined in P.C. 667.5, P.C. 1192.7, P.C. 1192.8



- No current or previous significant child abuse or neglect charges
- Low or medium risk based on a validated risk assessment tool
- Inmate must agree to participation requirements
- No history of arson
- No serious in custody misconduct

### Costs

The daily rate ranges from \$84.00 per day to \$162 per day. There is potential that the Affordable Care Act and Federal reimbursement can offset a portion of county costs associated with this program. It would be recommended that DMH take a leadership role in contracting for these services based on the unique skill set needed to ensure programs are viable.

### Request For Information (RFI) for Community Mental Health Treatment Beds

	SMI 1*	SMI 2**	Daily Per Diem Rate	Length of Stay
<b>Chapman</b>	37 Women		\$103.00	6-12 months
<b>CEC Inc.</b>	0	112	\$84.50	6-7 months
<b>La Cada</b>	0	10	\$149.95	6-12 months
<b>Healthright 360</b>	2	3	\$162.00*	6 months
			\$155.00**	
<b>Social Model</b>	0	15	\$135.00	8-12 months

*\*SMI 1 - bed capacity for Seriously Mentally Ill (SMI) who have demonstrated a history of treatment resistance and have experienced behavioral difficulties in a lockdown environment.*

*\*\*SMI 2 - bed capacity for Seriously Mentally Ill (SMI) in a therapeutic community that provides rehabilitative services who would not function in a general population setting*

### Implementation Timeline

Unless the Board of Supervisors authorized a waiver of the contracting process based on the RFI responses or potential exists to expand existing DMH contracts, the contracting and activation process for utilizing these beds could take 12 to 24 months.

# **CONTRACT CAPACITY**

## **Community Correctional Facility: Coalinga**

*Proposal #10*

**ADIP: 380**

**Net County Cost: \$12,483,000 per year**

**ADIP Cost: \$95**

### **Recommended Program**

The Los Angeles County Sheriff's Department (LASD) is exploring a contract with the City of Coalinga, Claremont Correctional Facility (Fresno County) to house male inmates at its public Community Correctional Facility (CCF). A scope of work has been provided to the City, but unfortunately the proposed rate at this time is approximately \$95 per day. The Department is currently working with the City to quantify their daily rate. The Department had previously negotiated terms with the City of Taft for its CCF (512 bed capacity) at a daily rate of \$60.50. It is the Department's hope that a similar per diem can be negotiated with the City of Coalinga.

The Community CCF proposal would augment Sheriff's housing and provide much needed flexibility for the inmate population in the Department's custody. A partnership with the City of Coalinga would provide a much needed medium security male capacity that would also provide rehabilitation programming. Males will be offered continuing education, vocational programs and potentially substance abuse treatment programs. Males assigned to Coalinga would return to the Department's custody 30-60 days prior to scheduled release for final transition back to their communities of residence.

### **Comparable Programs**

The California Department of Corrections and Rehabilitation (CDCR) have historically contracted with public and private CCFs in order to manage their prison population. None of the other California Counties currently use CCFs to house inmates.

### **Legal Authority**

In order to implement this program, the Department would require authority from the Board of Supervisors to contract with the City of Coalinga for exclusive use of their Claremont Correctional Facility.

AB109 (Chapter 15, Statutes of 2011), while establishing the state realignment effort, also had provisions that granted counties authority to contract with publicly owned and operated CCFs to house inmates sentenced under the provisions of AB109. The intent of these provisions was to allow counties flexibility in addressing population management issues and potential overcrowding due to the increased number of inmates serving time in county jails.

### **Overview of Target Population**

The target population for Coalinga is low to medium security male inmates sentenced pursuant to 1170 (h) of the California Penal Code, with a minimum of six months remaining on their sentence. There are currently over 4,650 AB 109 sentenced male inmates in the jails. Of those, over 90% of the males are



considered low or medium security risk. As a result, there are sufficient inmates in the jail system to fill the 380 available beds. After full implementation, there may be opportunity to expand if additional viable inmates and funding are available or legislation is enacted that allows counties to contract with private CCFs.

### **Eligibility**

The following eligibility requirements must be met for housing in the Coalinga CCF:

- Must be fully sentenced under AB109.
- Must have six months or more to serve in custody
- Must not have any serious medical or psychological problems
- Must be classified with a security level of 7 or below
- Must not have any major disciplinary incidents while incarcerated
- Must not have any immigration holds or holds for serious, violent or sex related charges.
- All inmates are subject to discretionary review and disqualification at any time

### **Costs**

At a contract cost of \$95 per day, the annual cost is in excess of \$12 million. However, if the Department is able to negotiate the same per diem (\$60.50 per day) as that achieved with the City of Taft, the annual cost to the County would be reduced to approximately \$9 million.

### **Implementation Timeline**

Once the contract is in place, inmates would be transferred in two stages. The first stage would provide 50% capacity within the first thirty days of implementation. The second stage would provide full capacity within 60 days.

# ALTERNATIVE CUSTODY PROGRAM

## Sentenced Inmates Community Based Drug Treatment Program 100 bed SAPC Pilot Program

*Proposal #11*

**ADIP:** 100

**ADIP Reduction:** Approximately 145 Beds due to Milestone Credit

**Inmate Participation:** 400 per year

**Net County Cost:** \$8,831,715<sup>13</sup>

**ADIP Cost:** \$166.87

### **Recommended Program**

National best practices recognize the role that evidence based substance abuse treatment can play on improving re-entry outcomes, reducing recidivism and improving public safety. This proposal recognizes that there are hundreds of low risk AB 109 sentenced inmates serving time in custody who can be safely managed in a community based treatment program under a carefully monitored program.

The PMU in partnership with the Department of Public Health (DPH), will identify low risk female inmates in need of substance abuse treatment programming who can be safely supervised in a community based setting. While in an alternative custody setting, low risk/high need inmates will complete a community based treatment program in the final 90 days of their sentence. The services will include:

- Residential Medical Detoxification
- Residential Treatment
- Medicated Assisted Treatment (MAT) (Vivitrol)
- Outpatient Narcotic Treatment Programs
- Day Care Habilitative
- Outpatient Treatment Services (tied to Sober Living)
- Drug Testing (to ensure compliance with treatment)
- Use of Evidence Based Practices

To support and implement this program, DPH will commit four full time employees to conduct drug education groups, assessments to determine the offenders need for SUD treatment and for follow up services (Attachment D).

### **Comparable Program**

DPH-SAPC operates two community based treatment programs for SUD females that are released from custody to assist with re-integration. Both programs teach and encourage a clean and sober living lifestyle.

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<sup>13</sup> \$7 million AB 109 projected cost and \$1.7 million tentative ACA/alternative funding.



- Female Offender Treatment Project (FOTP) - provides SUD services for state prison post-release women. The program is funded by California Department of Health Care Services (DHCS).
- Women's Re-entry Court (WRC) – focuses on women parolees who re-offend and are at risk of re-incarceration. WRC refers female parolees to SUD treatment as an alternative to re-incarceration. WRC is funded by the California Department of Corrections and Rehabilitation (CDCR).
- The California Department of Corrections and Rehabilitation (CDCR) currently has over 300 females housed in alternative custody programs. Additionally, in 2013, the LASD conducted a proof of concept pilot program in partnership with a variety of drug treatment programs in the community. This 90 day pilot program placed over 57 female inmates in five community based programs, at no cost to the LASD. During the pilot, 57 females were placed into supervised programs. Only three women were returned for non-compliance and no females escaped. The program ended December 20, 2013, when all of the women were released from custody. Of the 57 released, only four have returned to custody. Ten women elected to remain in the program. Refer to Proposal #5, for additional information on how this program will complement the proposed in-custody drug treatment program.

### **Legal Authority**

***P.C. 1203.016(a)** Notwithstanding any other provision of law, the board of supervisors of any county may authorize the correctional administrator, as defined in subdivision (h), to offer a program under which minimum security inmates and low-risk offenders committed to a county jail or other county correctional facility or granted probation, or inmates participating in a work furlough program, may voluntarily participate in a home detention program in lieu of confinement in the county jail or other county correctional facility or program under the auspices of the probation department.*

***P.C. 1203.018(a)** Notwithstanding any other law, this section shall only apply to inmates being held in lieu of bail and on no other basis. (b) Notwithstanding any other law, the board of supervisors of any county may authorize the correctional administrator, as defined in paragraph (1) of subdivision (k), to offer a program under which inmates being held in lieu of bail in a county jail or other county correctional facility may participate in an electronic monitoring program if the conditions specified in subdivision (c) are met. (c) (1) In order to qualify for participation in an electronic monitoring program pursuant to this section, the inmate must be an inmate with no holds or outstanding warrants to whom one of the following circumstances applies: (A) The inmate has been held in custody for at least 30 calendar days from the date of arraignment pending disposition of only misdemeanor charges. (B) The inmate has been held in custody pending disposition of charges for at least 60 calendar days from the date of arraignment. (C) The inmate is appropriate for the program based on a determination by the correctional administrator that the inmate's participation would be consistent with the public safety interests of the community. (2) All participants shall be subject to discretionary review for eligibility and compliance by the correctional administrator.*

### **Overview of Target Population**

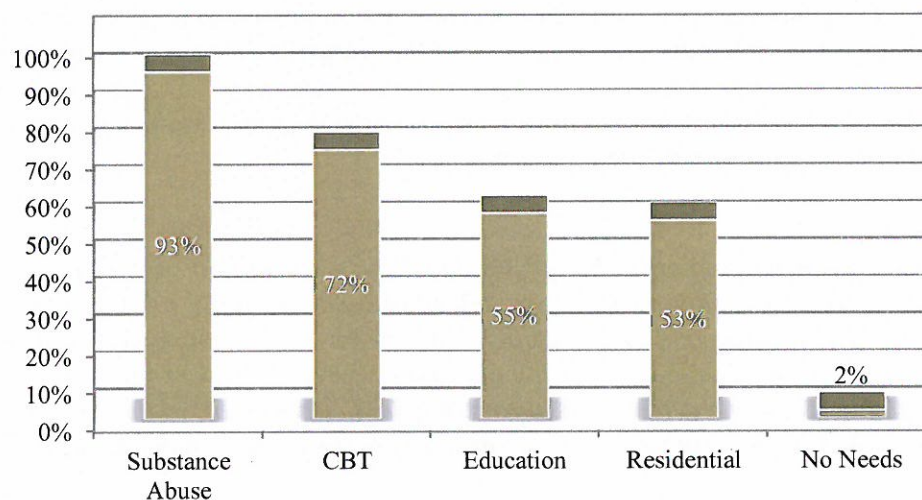
Women face many challenges and barriers in accessing SUD services. They also require specific treatment for different needs. Barriers such as: Low socio-economic status, primary caregiver for minor children, greater frequency of trauma and violence, and the social stigma of SUD can deter treatment.



DPH and LASD personnel will assess prospective sentenced female inmates who are suitable for alternative custody placement into a SUD supervised non-custodial treatment facility.

Recently, EBI completed a needs assessment on 500 LASD AB-109 sentenced females utilizing the NorthPointe-Compas assessment tool. From this sample, data was captured regarding the following criminogenic needs: Substance Abuse, Cognitive Behavior Therapy (CBT), Vocational/Education, and Residential Instability (See the chart below).

The compelling data obtained from this study reflected that 93% of the sample female population demonstrated a need for substance abuse programming. Moreover, further data analysis revealed that 70% of the same population had a need for both substance abuse and cognitive behavior therapy. Most importantly, the sample demonstrated that the women had needs that spanned multiple areas, thus creating a complex problem for rehabilitative efforts.



With over 1,049 AB 109 sentenced females being low to medium risk, there is ample population to fill these beds.

### Eligibility

All female inmates who are in need of substance abuse programming, and who are eligible to be released into a Community Based Alternative to Custody (CBAC) substance abuse treatment facility where they will serve out the remainder of their sentence on GPS under the supervision of LASD. The inmates are subject to return to custody with or without cause at any time. Any non-compliance with the program will result in the offender's return to custody. Any participant absconding from supervision will result in LASD personnel beginning the fugitive apprehension process and potential referral for criminal prosecution for escape as outlined in Penal Code section 4532.

### Cost

The cost for this treatment program is divided into two parts, starting with a six month pilot that will eventually lead into a one year expanded program. The pilot will designate 100 female inmates for an initial 90 days of treatment services. Prior to release, inmates may be linked into a SUD treatment service for a maximum of 180 days, at a cost of \$1,767,424. The expanded program is a one year treatment service that will designate 100 females for a 90-day treatment service program. This will



allow four programs a year, for a total of 400 female inmates to participate. The cost of this expanded program is \$7,064,291.

This cost is incurred by the DPH and is cost-neutral to LASD. An additional \$134,000 will be required by LASD for the participants on GPS. (Attachment D)

#### **Implementation Guideline**

Upon securing funding and approval, DPH estimates it will take approximately three months to expand contract SUD capacity in the community to implement the program. Inmate participants will be targeted by DPH and the PMU in anticipation of the contracts. It will take approximately three months from funding to full implementation.

The LASD, in conjunction with the DPH will identify 100 female sentenced inmates for a 90 day treatment of care in SUD treatment. Thereafter, DPH will provide referrals prior to the offender's release by linking inmates with SUD treatment services for a maximum of 180 days for both residential and non-residential services.

# ALTERNATIVE CUSTODY PROGRAM

## Sentenced Inmates

### Veterans Affairs, Medi-Cal and Grant Beds

*Proposal #12*

**ADIP: 100**

**Net County Cost: \$365,000**

**ADIP Cost: \$10 per day for LASD**

Other costs covered by VA and various grants.

#### **Recommended Program**

The newly implemented Population Management Unit (PMU) will work closely with our established Veterans Affairs liaison and other community liaisons to identify inmates who meet the requirements for the available community treatment beds. The focus will be to identify general population inmates with medical conditions or specified needs for veteran and grant funded beds for placement in alternative custody beds out in the community. Working with the VA and other community organizations, PMU will track and fill available beds. PMU will be staffed with several deputies who will provide close inmate supervision. Their duties will include random home visits, inmate drug testing and maintain progress reports of their caseloads.

#### **Comparable Program**

The Santa Clara County Sheriff's Department (SCCSD) operates the Correctional Alternative Supervision Unit (CASU). To be considered for the program, an inmate must be sentenced under AB109 and must have successfully completed an in-custody program. A program manager reviews the inmate's performance history, in-custody behavior, gang affiliations and additional criminogenic factors. The CASU sergeant will review the inmate's file for suitability in the alternative custody program. Prior to alternative custody placement, CASU deputies will conduct home visits. Once the inmate is accepted to CASU, they are placed either on house arrest, or they live in a Temporary Housing Unit (THU) or a Sober Living Environment (SLE). Offenders can participate in job training, go back to school, work, or attend classes through the Re-entry Corrections Program run by the Sheriff's Department.

The Santa Clara County Sheriff's Department has full-time, sworn deputies monitoring offenders in the program at a ratio of 1 to 15 (compared to 1 to 25 for probation). They test inmates for drugs three or four times per week; if there are any issues, they will bring them back into custody for ten or thirty days and enroll them in another in-custody program, with the possibility of being released again on CASU if they are successful.

Santa Clara County has established contracts with Salvation Army, Catholic Charities and Vida Nueva to monitor the inmates in Temporary Housing Unit and Sober Living Environments. The program was started in November 2012. During the first year of the program, 110 inmates participated and only five committed new offenses resulting in re-confinement.<sup>14</sup>

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<sup>14</sup> Petersilia, J (2013) *Voices From the Field: How California Stakeholders View Public Safety Realignment* Stanford: Stanford Law School



## **Legal Authority**

**Penal Code 1203.016** (Refer to proposal #11)

**Penal Code 1203.017** *Notwithstanding any other provision of law, upon determination by the correctional administrator that conditions in a jail facility warrant the necessity of releasing sentenced misdemeanor inmates prior to them serving the full amount of a given sentence due to lack of jail space, the board of supervisors of any county may authorize the correctional administrator to offer a program under which inmates committed to a county jail or other county correctional facility or granted probation, or inmates participating in a work furlough program, may be required to participate in an involuntary home detention program, which shall include electronic monitoring, during their sentence in lieu of confinement in the county jail or other county correctional facility or program under the auspices of the probation officer.*

## **Overview of the Target Population**

Of the 18,500 (daily average count) approximately 8,000 inmates are sentenced to a Traditional County Sentence or AB109 Sentence. This target group includes approximately 500 Department of Mental Health inmates as well. After careful review of their current case and criminal history, the pool of remaining qualified inmates shrinks to 6,700. It is anticipated most participants will be identified within special housing areas, such as Veterans and medical housing dorms of the various jail facilities.

## **Eligibility**

Eligibility will be dependent on factors such as:

- Fully sentenced
- Must be within the final 120 days of sentence
- Must have a desire to participate in the program
- Risk Assessment score; medium or low
- Program Compatibility

Once those requirements are met the Population Management Unit (PMU) will link the eligible inmate to a program representative, while in custody. If the representative is confident they can successfully provide services to improve the wellbeing of the inmate then an in-custody treatment plan will be developed between the inmate/client and the program representative. A copy of the contract will be provided to the PMU for record keeping. Once the contract milestones have been met, the PMU representative will determine if or when the community bed will be made available to begin the process of moving the inmate from the jail bed to the community treatment bed.

## **Implementation Timeline**

Los Angeles Sheriff's Department currently utilizes alternative beds in the community for sentenced inmates. Through the Inmate Program Placement team, the PMU will improve relations and efficiency with the participating organizations. Creation of the PMU is crucial to the success of this plan.

# ALTERNATIVE CUSTODY PROGRAM

## Sentenced Inmates Mother/Infant, Mother/Children Programs 25 bed Pilot Program

*Proposal #13*

**ADIP Reduction:** 25

**Net County Cost:** \$912,500<sup>15</sup>

**ADIP Cost:** \$100<sup>15</sup>

### **Recommended Program**

To handle the growing female population, as well as to meet the specific needs of female offenders and their children, it is proposed LASD allow pregnant and parenting female offenders to participate in mother/infant and mother/child alternative custody programs.

This program would allow female inmates to complete their sentence in a supervised environment designed to target their criminogenic needs while allowing them to retain their children in the therapeutic treatment program. Recently, LASD has been successful in placing three pregnant inmates in community based alternative custody programs prior to the birth of their children and a fourth female inmate in a program with her child two weeks after giving birth. Following childbirth, these four women and their children have been retained in the alternative custody program at no cost to LASD. While this program is currently limited due to LASD only being able to place female inmates in “free slots,” the program has been successful and could easily be expanded with funding.

Besides freeing bed capacity, these community based programs help female inmates develop parenting skills, address issues of addiction and prepare for successful reentry. They also create a safe living environment for their children and reduce the incredible suffering children experience during parental incarceration. An additional benefit is the reduced county cost associated with women giving birth while in custody and the cost for foster care placement of their children while they are incarcerated.

### **Evaluation of Similar Programs In California**

In 1980, the California Department of Corrections and Rehabilitation (CDCR) established the California Prison-Mother Program pursuant to P.C. 3412-3424. In the 1990's, the CDCR program was expanded pursuant to P.C. 1174.4. The CDCR Mother/Infant program was robust prior to the implementation of AB109; however, since the State no longer received low risk females to place in such a program, it has essentially been eliminated. However, it appears CDCR is staged to begin to restore some aspects of the program by expanding the potential inmate candidate pool.

A 2008 CDCR evaluation of the program reflects a “relatively low recidivism rate” of 9% to 25% for women one year after completing a mother/infant or mother/child program.<sup>16</sup> California is not the only state with these types of programs as they exist in New York, Washington State, Colorado and Texas.

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<sup>15</sup> LASD estimates the cost for contract beds based on California Department of Corrections contracts



The program model for placing low risk women in community based programs with their children has proven to be an evidence based best practice.

### **Legal Authority**

The Sheriff does not currently have the authority to place inmates charged into an Alternative Custody Program absent approval from the Board of Supervisors (BOS). Therefore, if there is support for the program, a BOS motion would have to be submitted and approved.

The authority would be granted under California Penal Code Section 1203.016, which states:

*(a) Notwithstanding any other provision of law, the board of supervisors of any county may authorize the correctional administrator, as defined in subdivision (h), to offer a program under which inmates committed to a county jail or other county correctional facility or granted probation, or inmates participating in a work furlough program, may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement in the county jail or other county correctional facility or community based rehabilitative program under the auspices of the sheriff, jail administrator or probation officer.*

*(f) The correctional administrator may permit home detention participants to seek and retain employment in the community, attend psychological counseling sessions or educational or vocational training classes, or seek medical and dental assistance.*

### **Overview of the Target Population**

There are currently 2,600 female inmates in the Los Angeles County Jail System, including 1,050 AB109 female inmates and 200 county sentenced female inmates. Approximately 1,400 of the sentenced female population are low to medium security level inmates. An estimated 70% of women held in local jails have young children.<sup>17</sup> As a result, approximately 1,000 sentenced inmates may qualify for a mother/infant or mother/child alternative sentencing program. Additionally, there are currently 50 women in custody who are pregnant and potentially eligible. There is little doubt, with funding through the Affordable Care Act or net county cost, that 25 beds could be filled.

### **Eligibility**

Pregnant and parenting women will submit a formal request to the Population Management Unit requesting to participate in the program. Consideration for participation in this program will include a full case history review and a risk assessment will be administered to qualified inmates to ensure the inmate meets the established criteria.

Each inmate will then be considered on a case-by-case basis using the following criteria:

- Pregnant or parenting with one or more children under age six, at least one eligible child shall live with the mother in the facility
- No current or previous serious, violent or sexual charges<sup>18</sup>

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<sup>16</sup> (2008) *Female Offenders Programs Community Prisoner Program and Family Foundation Program* Sacramento: State of California Department of Corrections and Rehabilitation

<sup>17</sup> Greenfeld, L and Snell, T (1999) *Women Offenders* Washington D.C. : Bureau of Justice Statistics

<sup>18</sup> As defined in 667.5P.C., 1192.7 P.C., 1192.8 P.C.

- No current or previous domestic violence or stalking charges
- No current or previous significant child abuse or neglect charges
- Established history of substance abuse
- No DMH special handle or significant mental health treatment needs
- Currently enrolled in E.B.I. or willing to participate in E.B.I.
- Low or medium risk based on a validated risk assessment tool
- Inmate must agree to participation requirements
- Inmate has not engaged in misconduct while in custody
- Inmate has no prior failure to appear or non-compliance with community based supervision

### **Supervision**

The inmates will remain on electronic monitoring and will be under supervision of LASD. The inmates are subject to return to custody with or without cause at any time. Any non-compliance with the program will result in a return to custody. Should the mother be returned to custody, the Child Welfare System will assist with placement of the affected child. Any escape or absconding from the program will be referred for prosecution pursuant to P.C. 4532.

### **Costs**

The costs will be contingent upon the competitive bid process. However, a discussion with CDCR reflects the contracts for the state program average approximately \$100 per day, but it certainly can be higher depending on services requested in the contract. Opportunity exists to seek federal reimbursement of County costs under the Affordable Care Act.

### **Implementation Timeline**

In order to implement this program, the LASD would need to submit a Request for Proposal (RFP) to identify suitable programs in the community. Once suitable programs are identified, a review of potential inmate candidates for this program would be completed. It would take up to two months to fully implement this program after the contracted facility is prepared to accept intake. Due to contracting requirements, it could take up to 24 months to implement. Opportunity does exist to contract with CDCR to house this population in a collocated facility with CDCR sentenced women should CDCR seek contract capacity.



# ALTERNATIVE CUSTODY PROGRAM

## Pre-Trial Inmates

### General Population Treatment Services – Grant Beds

*Proposal #14*

**ADIP:** 100

**Net County Cost:** \$365,000 yearly for Electronic Monitoring <sup>19</sup>

**ADIP Cost:** \$10

#### **Recommended Programs**

In partnership with the Public Defender(s) and Los Angeles County Probation, the LASD propose a pilot of Pre-Trial General Population inmates for placement in a community treatment bed. For the purpose of the pilot, the use of an electronic monitoring device is recommended. With the Population Management Unit (PMU) actively seeking community treatment grant funded beds, it is anticipated the beds will be occupied with more consistency providing the services to the inmate instead of remaining vacant while the inmate sits in a jail bed with limited resources.

To be considered for the program, the inmate must be a low risk offender charged with a minor crime, pose no threat of flight or danger to the community and participate in EBI programming while in LASD custody. EBI will conduct a full case history and risk assessment, and will prepare the individual for transition to the treatment facility for a better chance at successfully completing the program before trial.

#### **Comparable Programs**

As noted in Proposal #16 (Pre-Trial Home Detention Program), the use of risk based pre-trial release is not widely used in California but is well established in Washington D.C. However, since 2012, San Diego County Sheriff's Department has effectively utilized a similar program for their low risk pretrial inmates. With the use of a risk assessment and case factor review, San Diego County has assembled a team (County Parole and Alternative Custody, CPAC) to identify and evaluate individual cases for placement in the proper, most effective alternative custody setting.

#### **Legal Authority**

Refer to proposal #11.

#### **Overview of the Target Population**

The target population for this group is estimated to be found within approximately 2,900 pre-trial, low-risk, low-to-medium security level LASD jail inmates. With special concentrated placed on those currently enrolled and participating in an Education Based Incarceration (EBI) classes related to self-improvement.

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<sup>19</sup> Assumes Grant beds are available thru Medi-Cal, VA, or other specialized programs

**Eligibility**

Eligible inmates will be drawn from classroom rosters, automated daily reports, self-referrals and recommendations from attorneys. Each candidate will be reviewed on a case by case basis and will be prioritized based on an available bed in the community.

**Cost**

The beds associated with this proposal will be grant funded. The only costs incurred by LASD will be the daily costs for the Electronic Monitoring device which the inmate will be required to wear while in the community treatment bed. All other costs will be covered through the ACA, Veterans Administration and other various grants.

**Implementation Guidelines**

With authorization from the Board of Supervisors (BOS), utilizing PMU as the liaison, the implementation will commence as the community beds become available. PMU, will keep a roster of inmates needs and match them to the treatment centers collaborating with the LASD. As specified beds become available, PMU will place potential inmates for treatment.



# ALTERNATIVE CUSTODY PROGRAM

## Alternative Custody Programs

### Pre-Trial Inmates

### Mental Health Diversion

*Proposal #15*

**ADIP:** 200

**Net County Cost:** \$730,000

**ADIP Cost:** \$10

**Additional Contract Capacity Cost:** TBD

#### **Recommended Program**

In partnership with the Public Defender(s) and Los Angeles County Probation, the LASD Population Management Unit (PMU) and Affordable Care Act (ACA) teams will continue to identify low risk mentally ill, pre-trial inmates for potential community based treatment. The focus will be to identify inmates with co-occurring diagnosis or specified needs for placement into funded and grant beds. The funding for these program slots will include: Medi-Cal/Medicaid, Social Security, Veteran's Administration (VA), Senate Bill 82 funds, and other available grants, such as programs funded to target pregnant females and the homeless. In addition, expansion of the Mental Health Court Linkage Program (MHCLP) is also recommended.

#### **Comparable Program**

Currently, Los Angeles County has a Mental Health Court Linkage process in place at Clara Shortridge Foltz Criminal Justice Center (CCB). Statistics provided by the Department of Mental Health for FY 2012-13, noted approximately 2,000 clients were served with 990 (approximately 50% of the cases) diverted to treatment facilities rather than remaining in jail. With the potential expansion of services under the Affordable Care Act, additional funding associated with Senate Bill 82, and willingness of non-profit and governmental agencies to provide grant beds, the opportunity exists to expand this program and other mental health diversion programs.

There is significant commitment within the County Justice Partners to focus on expansion of mental health diversion in Los Angeles County. Representatives from the District Attorney's Office, Department of Mental Health, and the Sheriff's Department traveled to Miami-Dade to evaluate their very successful mental health diversion program as a model for the Los Angeles County. As a result, of reviewing those best practices and other programs, the County Justice Partners are evaluating the ability to expand and pilot new approaches, collaborations and training in the cities of Los Angeles, Long Beach, and within the Antelope Valley.

In May 2014, the County Justice Partners will initiate a strategic planning summit to evaluate the ability to implement best practices from Miami – Dade and other recommended programs.

### **Legal Authority**

*P.C. 4011.8 - A person in custody who has been charged or convicted of a criminal offense may make voluntary application for inpatient or outpatient mental health services in accordance with Section 5003 of the Welfare and Institution Code.*

*... consent from the person in charge of the jail and from the director of the county mental health program shall be obtained.*

*Where the person in charge of the jail approves voluntary treatment for a prisoner for whom criminal proceedings are pending, the person in charge of the jail shall immediately notify each court within the county where the prisoner has a pending proceeding about such approval; upon notification by the jailer the court shall forthwith notify the prosecuting attorney and counsel for the prisoner in the criminal proceedings about such transfer.*

*If the prisoner voluntarily obtains treatment in a facility or is placed in an outpatient treatment facility, the time spent there shall count as the prisoners' sentence.*

### **Overview of the Target Population**

The target population for this program will be over 1,000 pre-trial inmates who are currently being housed in the county jail system. The target population will be further refined as the Strategic Planning Committee develops the programs, additional capacity is identified and the program is implemented. It is clear, however, that at least 200 inmates are currently being retained in custody that could benefit from a community based mental health program.

### **Eligibility**

Eligibility will be further defined as the program is developed by the Strategic Planning Committee.

### **Costs**

Costs associated with Mental Health Diversion will be covered through various funding sources, such as: Medi-Cal, Veteran's Administration, SB 82 and other grant beds. In the event that additional funding is necessary, the planning committee will complete appropriate justification and requests.

### **Implementation Guidelines**

An overall program model will be developed by the Strategic Planning Committee. It is anticipated that model will be developed during the summer 2014.



# ALTERNATIVE CUSTODY PROGRAM

## Pre-Trial Inmates Home Detention Program 100 Inmate Pilot

### *Proposal #16*

**ADIP: 100**

**Net County Cost:** \$365,000 yearly for Electronic Monitoring<sup>20</sup>

**ADIP Cost:** \$10

### **Recommended Program**

It is proposed the Board of Supervisors authorizes the LASD to implement a Pretrial Home Detention Pilot Program to monitor up to 100 low risk pretrial inmates utilizing electronic monitoring (EMP) and intermittent home visits. Currently LASD has the Board of Supervisor authority for Home Detention of misdemeanants (Attachment I). This proposal is to expand the program to low risk felony defendants.

Consideration for participation in Pretrial EMP will include evidence-based practices and proactive supervision. A full case history review, risk assessment and pre-release home evaluation will be administered to qualified inmates to ensure the inmate meets the established criteria.

The inmates will remain on electronic monitoring and will be under the supervision of LASD. The inmates are subject to home monitoring, random drug testing and return to custody with or without cause at any time. LASD staff will notify and remind inmates of court dates to reduce no show rates. Non-compliance with the program will result in return to custody. Any participant absconding from supervision will result in LASD personnel initiating the fugitive apprehension process and referral for criminal prosecution for escape as outline in P.C. 4532. LASD cannot equate an actual ADIP reduction with this program due to the fact it is unknown what percentage of these inmates will return to custody to complete a sentence or if serving successfully in an EMP pre-trial program leads the sentencing judge to require less in custody time served. A research project would need to be implemented to determine the ADIP impact of this program.

### **Comparable Programs**

The use of risk based decision making for pretrial release is well established in Washington D.C. but is not widely used in California.<sup>21</sup> However, beginning in 2012, the San Diego County Sheriff's Department effectively implemented a similar program for their pretrial inmates. Utilizing a risk assessment and case factor review, a committee evaluates potential low and medium risk pretrial inmates for placement in community supervision (Attachment I). Since implementation, San Diego County has placed approximately 3,000 offenders on pretrial EMP. Of the 3,000 inmates placed in the program, 26 absconders removed their GPS devices, 21 of whom they have located and returned to custody. With less than a 1% abscond rate the program appears to be a success.

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<sup>20</sup> Depending on size of program, additional staffing may be necessary

<sup>21</sup> (2010) *Pretrial Justice in America: A Survey of County Pretrial Release Policies, Practices, and Outcomes*. Washington D.C.: Pretrial Justice Institute

## **Legal Requirements**

The Sheriff does not currently have the authority to place inmates charged with a felony in a pre-trial diversion program absent approval from the Board of Supervisors (BOS). Therefore, to implement the program, a BOS motion would have to be submitted and approved.

The authority would be granted under California Penal Code Section 1203.018, which states:

*“Notwithstanding any other law, the board of supervisors of any county may authorize the correctional administrator, as defined in paragraph (1) of subdivision (k), to offer a program under which inmates being held in lieu of bail in a county jail or other county correctional facility may participate in an electronic monitoring program if the conditions specified in subdivision (c) are met.*

*(c)(1) In order to qualify for participation in an electronic monitoring program pursuant to this section, the inmate must be an inmate with no holds or outstanding warrants to whom one of the following circumstances applies:*

*(A) The inmate has been held in custody for at least 30 calendar days from the date of arraignment pending disposition of only misdemeanor charges.*

*(B) The inmate has been held in custody pending disposition of charges for at least 60 calendar days from the date of arraignment.*

*(C) The inmate is appropriate for the program based on a determination by the correctional administrator that the inmate's participation would be consistent with the public safety interests of the community.*

*(2) All participants shall be subject to discretionary review for eligibility and compliance by the correctional administrator consistent with this section.*

If the inmate removes their device, they can be prosecuted under P.C. 4532, which states:

*(a)(1) Every prisoner arrested and booked for, charged with, or convicted of a misdemeanor, and is a participant in a home detention program pursuant to Section 1203.016, 1203.017, or 1203.018, and who thereafter escapes or attempts to is guilty of a felony and, if the escape or attempt to escape was not by force or violence, is punishable by imprisonment in the state prison for a determinate term of one year and one day, or in a county jail not exceeding one year.*

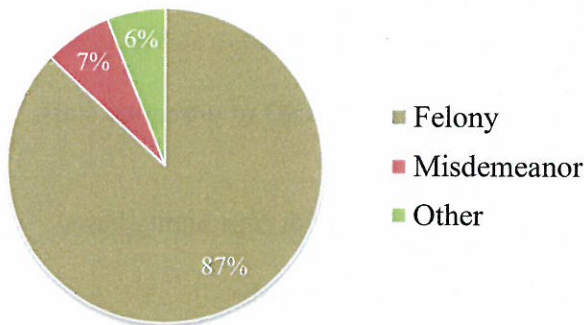
*(b)(1) Every prisoner arrested and booked for, charged with, or convicted of a felony, and is a participant in a home detention program pursuant to Section 1203.016, 1203.017, or 1203.018 who escapes or attempts to escape is guilty of a felony and, if the escape or attempt to escape was not by force or violence, is punishable by imprisonment in the state prison for 16 months, two years, or three years, to be served consecutively, or in a county jail not exceeding one year.*

## **Overview of the Target Population**

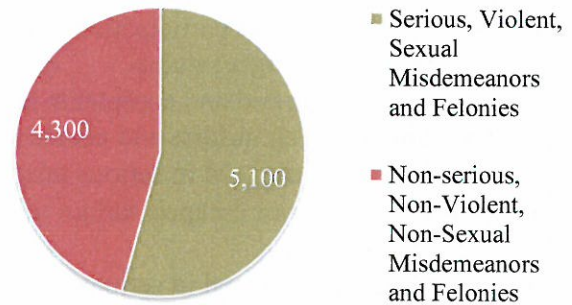
Currently, there are approximately 10,000 pre-trial inmates in the county jail. A review of the charging offenses reflects that 87% are retained on felony charges. Of the felony and misdemeanor charges, 46% appear to be non-serious, non-violent and non-sexual.



## Charge Level



## Primary Charge



The target population for this program is reflected in the 4,300 (or 46%) pre-trial inmates whose primary arrest charge is non-serious, non-violent and non-sexual in nature. Unfortunately, this target group is narrowed when exclusionary factors are added and careful reviews of their criminal history and case factors are applied. For example, of the 4,300 target population, there are 900 pretrial non-serious, non-violent, non-sexual inmates currently under the supervision of the Department of Mental Health and 500 non-serious, non-violent, non-sexual pretrial inmates who currently have holds who do not qualify to participate in this program. Therefore, without applying any other exclusionary factors, only 2,900 pre-trial inmates are eligible for further review.

Unfortunately, no data system exists that will establish how many of the potential 2,900 pretrial inmates with current non-serious offenses have other case factors that will exclude them. Therefore, it is speculated that approximately 1,000 may not have significant in-custody disciplinary history and significant previous criminal histories and can be further reviewed for consideration. LASD will not know until individual risk assessments, home evaluations and reviews of criminal histories are complete what percentage of potentially eligible candidates could ultimately be approved for the program. If the program is authorized, the Population Management Unit will be responsible for screening the population and monitoring outcome data.

### Eligibility

An automated daily report would be generated to the Population Management Unit, which would help identify qualified inmates.

Each inmate will be considered on a case-by-case basis using the following criteria:

- Inmate is being held in lieu of bail for a misdemeanor or felony offense
- No current or previous serious, violent or sexual charges<sup>22</sup>
- Inmate does not have any holds or outstanding warrants
- No current or previous domestic violence or stalking charges
- No DMH special handle and or significant mental health treatment needs
- Currently enrolled in E.B.I. or willing to participate in E.B.I.
- Low risk based on a validated pretrial risk assessment tool
- Inmate must agree to participation requirements and pay any administrative and daily fees unless waived due to indigent status
- Inmate has a verified and acceptable residence as determined by LASD or probation staff, including working utilities and access to telephone services
- Inmate has not engaged in serious misconduct while in custody
- Inmate has no prior escapes, failure to appear or non-compliance with community based supervision
- Inmate has not engaged in serious gang activity in the community or jails
- Inmates factors comply with P.C. 1203.018
- Inmate agrees to random drug testing

#### **Costs**

The cost of EMP is approximately \$10 per inmate per day. Depending on the total number of community based programs, LASD may need additional personnel for oversight. To ensure success, the Population Management Unit will need to be funded to ensure qualified candidates are screened and monitored for inclusion in this program.

#### **Implementation Timeline**

In order to implement this program, the LASD would require authority from the Board of Supervisors to give the Sheriff the authority to proceed. Once granted, the LASD would immediately review potential inmate candidates for this program and work with Probation to complete a pre-trial risk assessment. It may take up to six months to fully implement the program to ensure systems are in place and public safety is at the forefront.

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<sup>22</sup> As defined in 667.5 P.C., 1192.7 P.C., 1192.8 P.C.



## SECTION THREE

**Section Three** discusses potential capacity solutions and efficiencies that the LASD and justice partners continue to explore. They are considered Phase II population management solutions because of their complexity and the ongoing evaluation and collaboration needed before they can be implemented.

While conflicting agency roles and responsibilities will sometimes prevent consensus on which strategies to implement, the Jail Overcrowding Subcommittee is committed to ongoing collaboration. In partnership with LASD's population Management Unit these collaborating agencies will continue exploring the issues and report back to the Board of Supervisors on the status of these projects.

## PHASE II Population Management Solutions

### Use of Automated Risk Assessments in Decision Making

*Pre-Trial Risk Assessment* – Probation is currently exploring the use of a streamlined pre-trial risk assessment tool that requires less resources to complete but is still valid in predicting risk. Probation is working on a Request for Proposal at this time, and there is no anticipated date available. The tool would be used to generate reports to assist pretrial decision making. To maximize the department's effectiveness, Probation is seeking an interview-free tool that would save resources, address defense counsel's confidentiality concerns, and enable more defendants to be assessed in a timely manner.

*Los Angeles County Risk Assessment Tool (LARA)* – Validated risk assessments of inmates in County jail are critical to determining who is suitable for placement in alternative custody community-based programming. However, significant staffing resources would be needed to complete a risk assessment on all 19,000 inmates in the system and the hundreds of new inmates received every day. As a result, LASD has been evaluating automated risk assessment tools to reduce staffing needs and increase the percentage of inmates who are assessed.

There are a variety of automated risk assessment tools that have been developed in other areas of the country, most notably the risk tool used by the California Department of Corrections and Rehabilitation (CDCR) known as the California Static Risk Assessment (CSRA). The CSRA was developed in 2010 by the University of California Irvine (UCI) using automated information from the inmate's criminal histories. The strength of the CSRA program is that it has been normed and validated for the California population (Attachment J).

The LASD has been working with the Attorney General's Office, CDCR and UCI in creating a similar risk assessment tool that will be normed and validated for inmates in LASD jails. Tentatively the tool is being referred to as the Los Angeles County Risk Assessment (LARA).

LARA will provide the Sheriff's Department an opportunity to look at the overall risk of the LASD population, assign inmates to rehabilitative programming based on their risk, and utilize risk as criteria for determining which inmates should be placed in community based programs or considered for early release due to limited bed capacity. Once the tool is developed, the County can consider using a more evidence-based approach to early release than simply across the board percentage reductions.

It is anticipated that if LASD is approved by the Board of Supervisors to engage in a sole source contract with UCI that the LARA program can be developed in 2014 for implementation in 2015. The Inmate Welfare Fund may be able to allocate resources to implement this project.

### Expansion of Existing Programs

*Affordable Care Act* – Implementation of the Affordable Care Act (ACA) presents funding opportunities to address the rising costs of inmate health care and substance abuse and mental health treatment as alternative custody programs. An inmate's custody status and the timing of his or her ACA coverage enrollment have implications for the County's ability to leverage ACA resources.

To maximize ACA coverage opportunities, LASD coordinated with County partners on a grant to seek position authority to begin health care benefit enrollment for inmates in custody. That grant was



approved and will provide initial funding to assist with inmate enrollment efforts. LASD has a pending fiscal request under evaluation by the Chief Executive Officer to expand those benefit enrollment services and provide additional staffing in the jails to connect inmates to community based services upon release and as an alternative custody placement. The team will also be responsible to seek federal reimbursement for health care costs of the pre-trial population.

*Mental Health Diversion* – The District Attorney is spearheading a renewed County effort to expand pre-booking and post-arraignment mental health diversion processes for appropriate individuals. As previously discussed, SB 82 and the ACA present funding opportunities to enhance staff training in handling mentally ill, expand crisis intake and treatment capacity and spur collaboration to reduce the number of mentally ill people being housed in the county jail for non-serious, non-violent, non-sexual criminal conduct. On-going planning and collaboration between County justice partners is occurring on this issue. Most notably, a two-day planning summit is being arranged for May 2014, to set the County's strategic plan to address this complex issue.

*Early Disposition Program (EDP)* – As previously mentioned, the Early Disposition Program (EDP) is a collaborative program implemented by the Court, District Attorney, Public Defender, Alternate Public Defender, and Probation Department. The program is implemented in various forms throughout the County and offers an opportunity to resolve criminal cases at an early stage in the judicial process. The programs:

- Reduce the jail population by expediting the Court process and reducing pretrial detention time
- Offers prompt justice to victims
- Saves critical Court, prosecution, defense, and law enforcement resources by avoiding preliminary hearings and trials
- Reduces Court calendars

In August 2012, the Court's Central District piloted an EDP model in which settlement hearings were held two days after arraignment instead of five days. Probation Department resources were reduced as abbreviated reports were prepared for the pilot program. The pilot was successful, and the two-day model has now been adopted as the standard process in the Central District.

All justice partners have expressed a willingness to explore the most effective ways to expand/standardize EDP programs throughout the County, including the potential expansion of the Central District model. CCJCC is convening a work group to identify next steps and work toward program improvement.

*Direct Transport to Drug Treatment Programming* – As previously mentioned, the Court and LASD initiated a pilot program where LASD directly transports designated inmates directly to drug treatment as ordered by the Court. The Court is interested in expanding this pilot, and a working group has been formed to develop the expansion plan for review in 2014. It is unknown if additional resources will be required to expand the program.

*Increase Use of Split Sentencing* – A split sentence is a sentence in which sentenced time is divided between a period in jail custody and a period of mandatory community supervision. The split sentence option was established by AB 109 and is available for felony convictions sentenced under P.C. 1170(h).



The use of split sentencing in Los Angeles County is much lower than in most of the State. For example, approximately 5% of Los Angeles County convictions are sentenced to a Split Sentence, while Riverside County utilizes the Split Sentence in 80% of their cases.

It is difficult to conduct a true comparison of county-to-county practices because the lengths of straight custody sentences and split sentences given by a Court can vary throughout the state, even given the same charge level. In addition, counties utilize felony probation – another community supervision sentence for felony offenders – at different rates. In Los Angeles County, 60 percent of felony offenders receive supervision in the form of felony probation. However, County justice partners recognize the role that split sentences can play in public safety and offender management and have agreed to continue evaluating its use.

In addition, the Governor's proposed budget includes a proposal for legislation that would carry the presumption of Split Sentences for eligible P.C. 1170(h) cases. The working group will track the status of this proposal and potential impact to the County.

*Evaluate Privately Owned Community Correctional Facilities* – On December 17, 2013, the Board of Supervisors passed a motion (Attachment K), directing the Chief Executive Officer to report back on the ability to contract with privately owned Community Correctional Facilities (CCFs), similar to the authority that the State maintains. The status of that effort will be known in the summer of 2014.

## **New Pilot Programs**

*Housing Flash Incarceration in Municipal Jails* – “Flash Incarceration” is a period of detention in a city or county jail due to a violation of an offender's conditions of post-release supervision. The length of the detention period can range between one and 10 consecutive days.<sup>23</sup> Flash Incarceration gives the Probation Department a way to implement immediate sanctions for minor violations and is an evidence based supervision practices where swift and certain sanctions are given to probationers to demonstrate their accountability and consequences for their action. The Probation Department is currently working with local law enforcement to determine if there is ability to use municipal jails to house individuals who receive a flash incarceration, thereby saving valuable County Jail beds for higher risk offenders. As Probation is anticipating an increased use of flash incarceration, finding a solution to house the population is an important initiative but will require significant collaboration with local municipalities and dedicated funding to contract for capacity.

The chart below reflects the prevalence of the use of Flash Incarceration from October 1, 2011, to September 30, 2013.

Based on the previous use of flash incarceration and estimating an average of 5 flash days per incident, roughly 32,700 bed days were utilized over a two year period. This essentially equates to a daily bed need of 45 beds per day. Flash incarceration is the least effective and most expensive use of scarce County jail beds. However, to allow municipal jails to house this population will require local jail policy changes, as well as contracts or memoranda of understanding between the County and participating agencies.

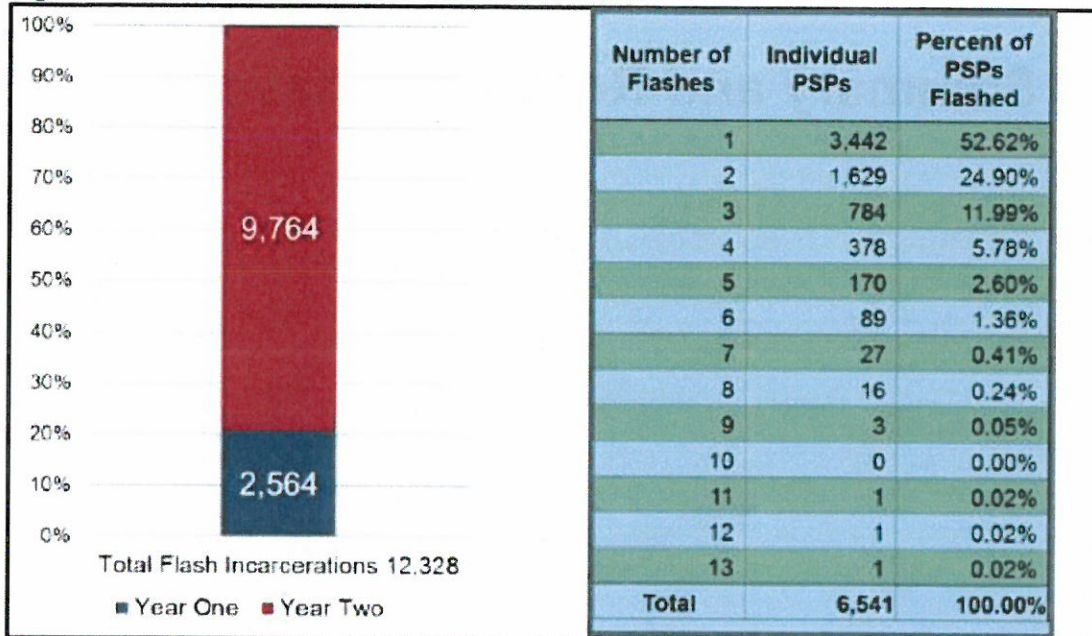
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<sup>23</sup> 3454 P.C.



Probation is currently analyzing flash incarcerations trends to offer a more complete picture of their utilization of this custody sanction. Concurrently, the County Police Chiefs Association is surveying departments to gauge interest and estimate the number of available city jail beds. These concepts will continue to be explored in 2014.

**Figure 7 – PRCS Flash Incarceration Trends**



## **Summary and Recommendations**

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## Summary

For more than 40 years the County jail system has been confronted by crowding conditions, lawsuits, and fiscal shortages that challenge the Sheriff's ability to manage the population. In 2011, those challenges were significantly exacerbated by California's Public Safety Realignment, which has added approximately 7,000 inmates to the jail system's daily population count.

While many strategies have been implemented by the justice system to help manage the jail population, they have not prevented the need for LASD to implement undesirable strategies such as the use of non-traditional beds and a percentage release program. In fact, despite the jail's current use of 2,800 non-traditional beds, the system would need over 4,000 more beds if all inmates actually served their full term.

As such, this report explores additional strategies that can be implemented to more appropriately house inmates, utilize alternative custody options, target rehabilitative service needs, and increase public safety. The proposed programs complement the ongoing work on jail facilities needs and aim to expand in-custody rehabilitative programming, explore potential contract bed capacity, utilize existing dormant jail space, and increase the use of alternative custody for low-risk and mentally ill inmates.

## Recommendations

Based on the information presented above, it is the Sheriff's Department's recommendation to take the following action:

- Continue to explore and implement evidence-based practices through strong collaborative efforts with the Jail Overcrowding Subcommittee and community stakeholders as reflected throughout this document and in Section Three.
- Continue to ensure maximum efficiency of existing resources, being accountable to outcomes and measuring performance as reflected throughout this document and in Section One.
- Fund and authorize the creation of the Population Management Unit, which will be centrally charged with identifying/screening inmates for various program, locating program resources, analyzing the results of the various initiatives to ensure fidelity to best practices, and providing data and support to recidivism evaluation experts. **(Section Two, Proposal 1, page 20)**
- Finance the development of the Los Angeles County Risk Assessment tool, which will become the cornerstone of assessing the inmates' viability for an alternative custody program and in-custody program placement. **(Section Three, page 67)**
- Work with the Court to expand the direct escort program of inmates from jail directly to a Court ordered rehabilitation program. **(Section One, page 15, Section Three, page 68)**
- Fund and implement Proposed Solutions from Section Two in the following preference order:

	Program	Proposal	ADIP Reduction or Bed Count	Net County Cost	ADIP Cost	Comments
1	Contract for Fire Camp Beds	#8	528	N/A	\$46.19	Financed with AB109 Funding.
2	PDC East Fire Camp Training Program	#5	280	\$8.2 M	\$80.91	Current Unfunded Program, Trains Inmates for CDCR Fire Camps. Cost for CDCR to train is \$118 per day. (Currently with CEO for Consideration)
3	Milestone Credit – Current EBI	#2	200	N/A	\$90.41	Funded Program serving over 8,000 inmates. Will reduce recidivism
4	Milestone Credits – In Custody Drug Treatment	#4	25	\$580 K	\$63.56	Will serve up to 500 inmates a year and prepare them for transition to community program. Will reduce recidivism. (Currently with CEO for Consideration)
5	Milestone Credit EBI Expansion	#3	125	\$2 M	\$43.84	Maximize existing program space, Least Expensive Option. Will reduce recidivism. Will increase programming inmates by 725. (Currently with CEO for Consideration)
6	Pre-Trial Mental Health Diversion – Grant Bed Funded	#15	200	\$730 K	\$10	Fund PMU and ACA Teams to maximize SB 82 and ACA to fund community alternatives to custody for pre-trial mentally ill. (ACA team currently with CEO for consideration)
7	Contract for Mental Health Beds Based on Recent RFI Responses	#9	179	\$6.4 M	\$98.26	Provides options for MH diversion or AB 109 contract beds. Reduces MH crowding levels. Targets highest risk inmates.
8	Alternative Custody – 100 Bed Drug Treatment Pilot	#11	100	\$8.8 M	\$166.87	Fund PMU and ACA team and target AB 109 females for placement into alternative custody drug treatment. Proven recidivism reduction strategy. Possible funding through ACA. Serves 400 inmates a year. (Currently with CEO for Consideration)



	Program	Proposal	ADIP Reduction or Bed Count	Net County Cost	ADIP Cost	Comments
9	Pre-Trial Alternative Custody – Grant Bed Funded	#14	100	\$365 K	\$10	Fund PMU and ACA team to rely on ACA, VA and Grant Beds for Alternative Custody for pre-trial non mentally ill defendants
10	Alternative Custody – AB 109 - Grant Beds via ACA and VA	#12	100	\$365 K	\$10	Fund PMU and ACA team to maximize available grant capacity and improve reentry outcomes by placement of AB 109 in alternative custody
11	Pre-Trial Low-Risk Home Detention Pilot Program	#16	100	\$365 K	\$10	Fund PMU and utilize risk assessments to place up to 100 low risk pre-trial defendants on EMP at home. Pilot program
12	Alternative Custody Program - Mother/Infant or Children Programs	#13	25	\$1 M	\$100	Estimated cost. May take up to 24 months to implement. In interim women will remain eligible for Proposal #12 by maximizing use of grant beds
13	Re-Entry Preparation Center – PDC-East	#6	160	\$4.9 M	\$83.83	Prepares I/Ms to be successful upon release from Jail. Utilizes existing space by providing intensive reentry services for males 90 days prior to release.
14	Re-Open PDC East	#7	1,400	\$40 mil	\$91.60	Reopen existing jail capacity. Provides flexibility to expand and collapse and needed. Need to recruit, hire and train staff.
15	Contract for Coalinga CCF	#10	380	\$12 mil	\$95	Costly bed space outside of LA County. Continue to negotiate price reduction
Total			3,902	\$80.8 M		NOTE: Proposal #6 Reentry Preparation Center removed from total count and cost as those beds would be reflected in Proposal #7 Reopen PDC East

While the list above provides a sense of prioritization, many of these programs are interconnected and can be activated concurrently with funding and authority. The LASD is hopeful that consideration will be given to the various concepts and is committed to the successful and transparent implementation of these programs if authorized and funded.

Ultimately, the implementation of these strategies can promote public safety by providing an opportunity to retain traditional County sentenced inmates longer and incentivize treatment participation, deactivate non-traditional beds to reduce overcrowding, and/or begin to close housing units at aging jail facilities.

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